

# WORLDWIDE PHOTOGRAPHER'S RIGHTS



Photo © Doug

**Edition 2** - September 2012

This is a free resource on privacy laws in relation to street photography.

I'M A  
PHOTO  
GRAPHER  
NOT A  
TERROR  
IST!

This is **not intended as a replacement for legal advice**, but as a general overview and relevant links to websites. Laws do change though, so make your own enquiries before taking photos. Errors and omissions may exist in this information.

Notes:

Compiled by Doug (www.dougnz.deviantart.com) with the assistance of my friends from the photography community at [www.deviantart.com](http://www.deviantart.com)

*Thanks to Khuram, Mary, Ola, Alphan, Will, Anja, Nuno, Annieta, George, Jo, Grant, Katarzyna, Aaron, Alessandra, Itsiko, Navid, Damien, LiveMynd, George and Efrat*

If you have relevant info on countries not listed or have noticed errors, then please send a short and concise note to [dougnz.deviantart@gmail.com](mailto:dougnz.deviantart@gmail.com) with a link to a reputable webpage for confirmation. This may be added to the booklet in a future edition.

Check <http://dougnz.deviantart.com/gallery/38878298> for the latest edition of this booklet.

For some of the best street photography, photojournalism, world and people photography visit these sites:



<http://thecorrespondent.deviantart.com/>



<http://the-yard-collective.deviantart.com/>



<http://streetsnapshots.deviantart.com/>



<http://portrait-parables.deviantart.com/>



<http://old-alleyway.deviantart.com/>



<http://thestreetfactor.deviantart.com/>



<http://earth-scriptures.deviantart.com/>



<http://thestreetjournal.deviantart.com/>



<http://progressive-street.deviantart.com/>



<http://thepeopleavenue.deviantart.com/>

## General:

Free 'Photographer's Rights' app for iPhones and iPads by Pietro Zuco  
<http://itunes.apple.com/us/app/photographers-rights/id458324345?ls=1&mt=8>

Foreign & Commonwealth Office (UK) advice by country  
<http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/>  
Select the country then 'Local Laws and Customs'.

Worldwide copyright laws (art, architecture, and other works)  
[http://commons.wikimedia.org/wiki/Commons:Freedom\\_of\\_panorama](http://commons.wikimedia.org/wiki/Commons:Freedom_of_panorama)

Wiki article – Photography and the Law  
[http://en.wikipedia.org/wiki/Photography\\_and\\_the\\_law](http://en.wikipedia.org/wiki/Photography_and_the_law)

## By country:

(To translate foreign language links try <http://translate.google.com/> )



## ARGENTINA

Technically, you can take pictures in any public place. Public place shall be defined as the sidewalk, street, park, etc.. Technically, you can also take pictures of whoever you want, read children, adults, big old, celebrities, public figures, politicians. Legally, no one can tell us not to. The only places where a person can object to being photographed is in those places where you expect to have some privacy, "2", in which case the fact may be to shoot good judgment of the photographer. However, from a legal standpoint, taking pictures in those places designated públicosno should be prohibited. It is always good to remember, even with the legal right to the photographer, it is best to avoid conflict and not allow any discussion escalates to violence. Always, in a clash, the photographer is losing. The equipment is not worth a discussion. You can not jeopardize the tool hobby / business, a meaningless discussion. In any case, one can question and request credentials, because many times they are private security officers without any legitimate reason to avoid being taken photographs or confiscate the film.

The only places you definitely can not take pictures are where people expect some privacy, those in which it is expressly prohibited or which are liable to national security, such as a military base.

Spanish language original: <http://www.fotosdecalle.com.ar/archives/6>



## AUSTRALIA

It is generally possible to take photographs in a public place without asking permission. This extends to taking photographs of buildings, sites and people. There are, however, some limitations.

<http://www.artslaw.com.au/info-sheets/info-sheet/street-photographers-rights/>

<http://4020.net/words/photorights.php>



## AUSTRIA

(Thanks Anja)

Here's a link collection for Austrian law (in German only):

<http://www.fotografen.at/rsv/downloads.html>

It basically boils down to this:

You are allowed to take pictures of people in public places. You may not be allowed to publish them without prior consent; if that person's interests could be hurt (especially if you earn money with the person's picture, than you could be sued, but also if the person is shown in a derogatory way, etc...). If and when a person's interests are hurt, the judge needs to decide in case of a lawsuit.

So it's a grey area after all...



## BRAZIL

In Brazil, it is officially allowed to photograph in public spaces as since as these images basically do not implicate commercial publication and/or do not harm people's integrity, honor or dignity which, in other words it is said in Brazilian civil rights (Chapter II "Individuality Rights"). Therefore, capturing images in public spaces should not be a problem, moreover, if you really want to photograph inside a federal/governmental building, you are able too, as long as you have an authorization in hands and obey the conditions above.

<http://www.lomography.com/magazine/lifestyle/2011/02/25/the-war-against-photography>



## CANADA

(Thanks Aaron)

Things you cannot do:

- Misrepresent someone in a slanderous way through photography or captions accompanying photographs.
- Photograph people in their homes, or in spaces where they have a 'reasonable expectation of privacy,' such as public bathrooms.
- Trespass, especially at night.
- Take photos "that could be considered national secrets, interfere with a large number of Canadian's lives, impair or threaten the Canadian Forces, national security or intelligence."

Things you can do:

- Take photos for non-commercial use in nearly any public space.
- Photograph and publish photos of anyone, aside from young offenders, who are “newsworthy, doing newsworthy things, or are public figures or celebrities.”
- “It is not against copyright law to take a photo of any architectural work, for example, a building, or a permanent piece of public art.”

<http://www.sindark.com/2008/04/23/your-rights-as-a-canadian-photographer/>

Photographer's Rights

<http://www.flickr.com/photos/amsandy/7801465534/>

Discussion on right to privacy in Quebec (and really all of Canada) and some Supreme Court decisions

<http://www.flickr.com/groups/montreal/discuss/72157594202172390/>



**CHINA**

Quote from Lonely Planet forum: “I recently spent 11 weeks in China, crossing from Beijing to Kashgar, and took *loads* of photos - about 700 in total - including people, buildings, train stations, statues, parks, etc. No-one ever stopped me or said I couldn't”.

From Travel China Guide: Do not take photos in politically sensitive areas such as military bases, or on airplanes.

For religious reasons and for relic protection, most scenic spots such as museums, grottoes, temples, monasteries, palaces and cultural relics do not allow photos. 'No Photos' signs mark restricted areas.

Certain places or backgrounds may assess fees. Be sure to clarify the amount before taking pictures.

Before taking pictures of Chinese people to show their way of life or a street scene, you should first ask permission.

In special areas such as Tibet, photography is strictly limited. Typical local customs and religious places such as palaces or monasteries can not be photographed. Always ask permission there.

<http://www.travelchinaguide.com/essential/photography.htm>

And from Damien:

In China there are a lot of rules that I have learned over time.

1) Forget all the government buildings. If you shoot one, it's really, really often that you will see a guy dress as a military or a guard run to meet you and make you delete your picture. And shout for 5 minutes about it.

2) For people it's different. No policeman! They take your camera!! In Chengdu at least...But not the "normal" policeman, this one who is everyday on the street dress in blue. No problem to shoot them, of course if you are not in his face. I'm talking about policemen dressed in Black, these who walk all the day in the centre of the city or close to Mao statue. You don't want to play with them.

- For common people it's also different. Where there is no tourists, pictures are easy, because they have never seen this before, they don't have a "bad" feeling about it. They are more focused on the tall white guy that they see normally on TV.

- For minorities it's different too. Minorities in town, like Tibetans in Chengdu, pass your way. They are angry people. At their place, no problem, I mean in Tibet. For Muslims it's the same, forget it. Angry people too ^^

I also noticed that Big Camera means Professional, which means money...the smaller your gear, the easier it will be.

For the street sellers, if you buy one of their products you can shoot them for 3 hours no problem...If you don't buy, it's another story...



## DUBAI

(Thanks Khuram)

Note: this may not be the case in the rest of the UAE.

Dubai laws are pretty relaxed regarding public photography, except where photographing women is concerned.

You can take photos of just about anything; all you have to do is remember a few basic rules:

Don't take photos of women without permission.

If you do, make sure you let them know after, and pray they don't end up calling the cops on you.

Photographing local Arab women and royal palaces is strictly OFF LIMITS.

Taking photos of people on public beaches other than your own family is not permitted.

Do not and I mean DO NOT offer an Arab money to be photographed, as it would be considered a cultural insult.

Most malls permit photography as long as you're with your family.

It's always a good idea to speak with the police first before shooting in the area, you'll be surprised at how helpful they can be.

Photographing policemen without their knowledge is another big NO!



## EGYPT

Photography of or near military official installations is strictly prohibited. This includes the Suez Canal. Don't photograph officials without their consent. Plane spotting is not advised in any circumstances. You may be detained or arrested if you use binoculars near an airport.



## FINLAND

(Thanks Itsiko)

Photographing

- Photographing in public places is allowed (streets, parks, transportation...).

- Exceptions: in stores, shops, bars, restaurants etc. photographing is allowed, however, the owner of such place has the right to choose it's customers, so they have the right to deny photographing.

- In semi public places, such as offices and manufacturing plants, photographing is allowed. Photographing the people there is not allowed.

- Photographing in private places is not allowed (home, hotel, car, boat...)

Publishing

- You may publish photos taken in public places if they don't hurt people's integrity, honor or dignity.

- For commercial use you need permission.

Source (Finnish language)

<http://vartijavahti.wordpress.com/valokuvaaminen/>

[http://www.nikkemedia.fi/ivailu/sivut\\_ex/fotopykalat.pdf](http://www.nikkemedia.fi/ivailu/sivut_ex/fotopykalat.pdf)



## FRANCE

(Thanks Jo)

If the subject of a photograph or a video is a person, this one possesses the right (law) to oppose to the use of its image.

The legislation distinguishes however two scenarios:

- if the person is photographed or filmed in a recognizable way in a public or private place, its authorization is necessary before any public distribution (broadcasting) whatever is the support (medium) (in the press, in the book, on a poster or a pamphlet, on a web site or on the television)
- if the cliché (picture) does not allow to recognize the person (in particular if she(it) is melted in the crowd), her(its) authorization is not necessary.

To note: if you participate in a public demonstration (appearance) and if you are photographed in the parade, the image can be published in the press without your consent by virtue of the right (law) for the information.

Application of the right (law) for the image and the penalties. Before any distribution (broadcasting) of an image representing a person, the diffuser has to obtain the authorization of the person

[www.nikonpassion.com/droit-a-image](http://www.nikonpassion.com/droit-a-image)



## GERMANY

If a picture shows a person, or persons, you must not publish those pictures without that person's or persons' agreement. Period. How the picture was made (painting, sculpture, photography, holograph,...) and whether it is for commercial or editorial purposes, does not matter. There are, however, a few exceptions: *Personen des Zeitgeschehens*, i.e. politicians, CEOs of large corporations, and celebrities, may be photographed without prior asking. There are also temporary *Personen des Zeitgeschehens*, e.g. the lawyer of a celebrity while the latter one is in court for some reason, and the judge of the court.

Exceptions to the exception: do not photograph the minor relatives of *Personen des Zeitgeschehens* without permission! This limitation was imposed about 20 years ago when kidnapping celebrity kids was en vogue, lest future criminals can easily identify their targets.

Also, even *Personen des Zeitgeschehens* have a right to privacy. Avoid shooting the Chancellor with his pants down. Last year he filed a lawsuit against a journalist who had written that the Chancellor had his hair dyed.

You also do not need a permit if you photograph people who participate in a public gathering - soccer spectators, demonstrators, etc. Strictly speaking, "zooming in" on a single spectator is illegal, but law enforcement does it all the time at demonstrations.

You neither need a release if the person cannot be recognized in the picture. A characteristic haircut or even somewhat typical clothing may negate this, however. On the other side, this allows you to include people in your pictures. If you photograph Schloss Charlottenburg at 11.00h a.m., you need not ask all the tourists in front of it whether they agree to it.

<http://photo.net/travel-photography-forum/005HGA>

And from Navid (German language):

An interview with a German lawyer:

<http://kwerfeldein.de/2009/02/24/darf-ich-darf-ich-nicht-ein-interview-mit-rechtsanwalt-philipp-dorowski-zum-fotografieren-auf-der-strasse/>

A critique about a street-photographers retrospective on different disputes and issues:

<http://kwerfeldein.de/2012/02/27/strasenfotografie-recht-eine-kritische-auseinandersetzung/>

A very interesting article about the current situation, dealing with issues like observation, public reactions etc.:

<http://www.mittleresgrau.de/allgemein/situation-street-photography-deutschland/article1844/>

Some very interesting interviews with some street-photographers from / in Germany (part 1):

<http://blog.sonic sites.de/2008/05/28/interview-strassenfotografie-im-deutschsprachigen-raum-teil-1/>

Some very interesting interviews with some street-photographers from / in Germany (part 2):

<http://blog.sonic sites.de/2008/05/30/interview-strassenfotografie-im-deutschsprachigen-raum-teil-2/>

and finally some books that I highly recommend before shooting on the streets in Germany:

<http://www.85mm.ch/Book/>



## GREECE

(Thanks George)

The law prohibits taking photos in public places such, airports, seaports, train stations, military camps, police stations and such but is widely ignored. The only one that is still dangerous is to take pictures of military camps... all the others... feel free!

About street photography, there is no really law specific in that. The problem here is that we call "personal information".

It's illegal to shot someone from outside (balcony, street, etc) when he/she's in a house or in a private place.

Also all the photos you take belong to you by the law for copyright... with that and the 'gap' to the law about photography, you are free to take photos as you wish in public places, but you are responsible about the persons you have captured.



## INDIA

<http://blog.sujitshetty.com/2009/04/photographers-rights-in-india.html>



## IRAN

Photography near military and other government installations is strictly prohibited. Sensitive Government buildings and facilities are often difficult to identify and extreme caution should be taken when taking photographs in any areas that are anything other than very obvious tourist attractions. Use of a laptop or other electronic equipment in public places can be misinterpreted, especially if it contains photographs. You may be arrested and detained on serious criminal charges, including espionage. It is also better to ask before taking photographs of people.

<http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/middle-east-north-africa/iran#lawsCustoms>

Keep in mind I am not talking about journalistic rights, nor news photography here. As a *tourist*, you will be encouraged to take photographs of everything here. Cameras can be brought into many mosques, and people will more than offer to help you photograph something. Most liberal place for travel photography I've been.

Exceptions: Tehran, the capital can be bothersome, photographing women without permission is not allowed, government buildings (*and, I would imagine photographing protests, and "that" embassy*) are not encouraged either. But after that, as a tourist / photographer / writer I found Iran to be great.

In Iran, being a photographer labels you as an "artist," something that's still highly respected there by the *people*

<http://www.thelongestwayhome.com/blog/how-to-guides/restrictions-on-photography-around-the-world-travel/>



## IRELAND

You are not allowed to harass people in the course of your photography – stalking someone, or repeatedly blocking their way to take a photograph of them could be construed as harassment; simply taking a photograph of them probably won't. Taking photographs of people in public is generally allowed – however, an exception is made where the subject would have a reasonable expectation of privacy. You're perfectly entitled to take a photograph of someone walking down the street – but hiding in a tree to take a photo of them in their home may get you into trouble.

You are not allowed to obstruct movement on the highway (roads, footpaths, cycle paths etc), or the work of a police officer, while taking photographs.

Whether you are regarded as obstructing will depend on the situation, and you will generally be asked to move along by the police, if they view your behaviour as obstructive. If you refuse to do so, or persist in obstructing the highway, however, you may be arrested

<http://www.digitalrights.ie/2006/05/09/photographers-rights/>



## ISRAEL

(Thanks Efrat)

What I know is not official, but from I've heard/read: You're not allowed to take pictures in train stations, and of course near or in military bases (sometimes they're very clearly seen from the street so there's a sign that prohibits photography in that area). The laws regard what is considered an invasion of privacy. Not surprisingly, taking pictures of a person in their own homes is illegal. Also, according to the law a photographer is not allowed to publish pictures in a way that may be humiliating for the person in the picture. In general, it means that you're (a) allowed to take pictures of anyone as long as it is clear that they're in a public place and there are other people there, and (b) in some cases may have to blur a person's face in order to publish their picture.



## ITALY

(Thanks Mary)

In Italian:

Privacy nelle fotografie

\* Se si vuole pubblicare una foto in cui si riconosce una persona non famosa, bisogna avere la sua autorizzazione (art. 96 legge 633/41).

\* Se la foto che si vuole pubblicare ha un fine giornalistico e non risulta dannoso per l'individuo l'autorizzazione dell'individuo non è necessaria. Le foto dei minori non possono essere in ogni caso pubblicate.

- \* Se l'individuo tratto nella foto è famoso e il fine è di tipo giornalistico, non serve l'autorizzazione dell'interessato
  - \* Se la foto che si vuole pubblicare può avere un fine lesivo bisogna chiedere l'autorizzazione del Garante (legge 633/41) o se fornisce indicazioni sullo stato di salute, sull'orientamento politico, sul credo religioso o sulla vita sessuale (dlgs 196/2003)
  - \* Bisogna avere l'autorizzazione del Garante se le finalità della pubblicazione della foto sono promozionali, pubblicitarie, di merchandising o comunque non di prevalente informazione o gossip.
  - \* Le foto dei minori possono essere pubblicate solo se questi sono resi irriconoscibili.
- Privacy con i cellulari [modifica]
- \* Si possono scattare foto e fare video con i cellulari che lo permettono, se le immagini catturate sono per uso personale
  - \* Se i video o le foto catturate col cellulare sono destinati a più persone o su siti, bisogna chiedere l'autorizzazione
  - \* Bisogna fare attenzione all'art.10, "Abuso dell'immagine altrui" e alla legge sul diritto d'autore (legge n.633/1941) che richiede appunto l'autorizzazione della persona che è stata ritratta, tranne se questa è una persona pubblica e nota. La legge sul diritto d'autore vieta in ogni caso l'esposizione o la messa in commercio di foto se recano pregiudizio all'onore, alla reputazione o al decoro della persona ritratta.

English translation:

Privacy and photography:

- \* to publish the portrait of a non famous person whose face is recognizable, written permission is required.
- \* no permission is required if the photo has a documentary purpose and is not detrimental or prejudicial for the subject. Photos of children can never be published without written permission from the parents.
- \* no permission is required to publish images of famous people with a journalistic purpose.
- \* permission is required for photographs that give information about the health, political orientation, religious belief or sexual life of the subject.
- \* permission is required to use the photos for promotional, advertising or merchandising purposes.
- \* photos of children can be published without permission only if the faces of the children are not recognizable.

Mobile phone photography:

- \* mobile phone photos and videos are free for personal use.
- \* permission is needed for the publication as for general photography (see above).

And from Alessandra:

In Italy it's forbidden to place a tripod in a square or down a street, because it means you're occupying a public place without permission.

It's forbidden to take pictures in airports, rail or bus stations for a matter of public safety.

You can't post on line or print on a magazine/newspaper, pictures of people without permission for a matter of privacy (although there is a way around this called "right to report").



**JAPAN**

<http://tonymcnicol.com/2009/01/26/photography-in-japan-what-are-your-rights/>

<http://www.flickr.com/groups/nomorefreephotos/discuss/72157627964162887/>



## THE NETHERLANDS

Dutch language: <http://www.iusmentis.com/auteursrecht/nl/foto/>

Shooting pictures in public areas in The Netherlands is a simple story but has a few important things to keep in mind.

In The Netherlands they distinguish two important things; taking pictures in public areas of structures and portraits. It's completely legal to take pictures in public areas at all times of anything and anyone. But it's all about what is captured and the purpose of capturing that image. Everyone is allowed to take pictures of buildings, shops, bridges or any other structure in a public area – in our outside. As long as that photography is not made for commercial purposes. Exceptions can be made by the owner of a building, company or other structure. Like the national Railway organization – they have restrictions of taking pictures of their employees working at stations and platforms. Or museums, pop venues and galleries could have restrictions for inside photography activities.

Portrait photography in public areas is a different story. An image is a “portrait” when there is an identifiable person in the picture. A portrait could be a photo, but also a drawing or a painting. And not only similar images are portraits, also a caricature is a portrait. On the other hand, a photograph of a football stadium with supporters like ‘dots’ in the picture is not a portrait. It's very hard to identify those supporters and the focus of the picture lies on the entire group of people instead of one person. A person's face on a picture is the most common form of a portrait, but a characteristic posture of an identifiable person could be seen as a portrait as well. Think of a silhouette image of Charlie Chaplin. Once you capture a portrait – the person on the picture has got “portrait rights”. Which basically means he or she has the right to decide what will happen with that picture. Even when the picture is made in public area.

<http://www.lomography.com/magazine/lifestyle/2011/02/25/the-war-against-photography>



## NEW ZEALAND

It is generally lawful to take photographs of people in public places without their consent.

You must not film or take photos of people if they are in a place where they can expect privacy (such as a public changing area or toilet) and that person

- is naked, in underclothes, showering, toileting etc
- is unaware of being filmed or photographed
- has not given consent to be filmed or photographed.

You should not take photos of people if:

- they are in a place where they would expect reasonable privacy, and publication would be highly offensive to an objective and reasonable person
- it has potential to stop other people's use and enjoyment of the same place
- you have no legitimate reason for taking the film or photos.

However, you can take and/or publish photos or film of people where there is no expectation of privacy, such as a beach, shopping mall, park or other public place.

(From the NZ Police website: <http://www.police.govt.nz/faq/items/23297> )

Photography and the Law

<http://www.otago.ac.nz/law/oylr/2007/Knewstubb.pdf>

Unlawful Photography in Public Places

<http://www.austlii.edu.au/au/journals/PLPR/2006/2.html>



## NORWAY

Taking street photos is not illegal, but uploading them may be.

The law is "Åndsverksloven §45c", translated it means something like "the law about intellectual work". The law states (roughly translated) that a photograph of a person cannot be published without the persons approval, unless;

- a) the picture is of "public interest"
- b) the person is not the dominant motive in the picture
- c) the picture is of a public gathering or likewise
- d) if the picture is used as a advertisement for the photographer

See: (Norwegian language) <http://lovdata.no/all/tl-19610512-002-042.html#45c>



## PHILIPPINES

(Thanks LiveMynd)

Some guidelines:

1. Street photography is legal in most places. One notable exception is Ayala Avenue, a major thoroughfare that runs through the heart of the PH's financial center. Some other streets may have no-photo ordinances as well.
2. Military structures and bases are definitely no-photo areas, for reasons we all know. Property owners also have the right to ban photography of their grounds or structures, so stay sharp as some do enforce this.
3. The average Filipino is not bothered by privacy laws with regards to normal photography. Of course, voyeurism is still an offense. If you would rather be sure, try asking the subject (or responsible adult if subject is a minor).
4. Foreigners, especially Caucasians, get rather lenient treatment with regards to minor offenses -- such as offense brought about by photographing a protected subject. Usually they will just ask you to delete the photo. At worst, they might confiscate your memory card or film roll. If they try to take your camera, remember to assert that the camera does not store information, but the memory card does.
5. When visiting museums or other public places, keep an eye out for no-photo signs. If security personnel accuse you of illegal photography, then ask where the signage is, so you can set up your defense.
6. It's considered rude to set up photos that get in the way of traffic, as most people will try to stay outside of the viewfinder range (beware photobombers though). The best you can do is take your shot quickly, and give a slight apology or sign of thanks to any who might have stopped to let you take your photo.
7. Thankfully, the Philippines is an English-speaking country, so you should be able to communicate in times of emergency and normalcy.\



## POLAND

(Thanks Katarzyna)

If the person in the picture you've taken is identifiable, you shouldn't publish it unless:

1) you ask for a permission and this person gives it to you (a written permission or a spoken permission in front of a witness is advised; simple spoken permission won't be enough to protect you in the court in case you get in trouble)

2) the person is a public figure (i.e. the person was captured during a political, social, cultural, artistic or charitable service.)

However, photos of public figures in private areas (house, garden, swimming pool etc.) cannot be published.

Police and firemen are also public figures during their work. The president and the prime minister are to be considered public figures for the rest of their lives, but other people become private after the public service (for example, a sportsman who has finished his career is not a public person anymore, so around a year after he's finished his career you should ask for a permission to publish your photo of him).

3) it's a photo of a crowd (it is not specified exactly how many people should be on a photo to make it a crowd; it can be a larger group).

It is forbidden to publish photos of anyone in an intimate situation.

Photos of children should never be published without the parents' permission, even if it's a new-born child.

<http://www.mmwroclaw.pl/330223/2010/3/1/co-mozna-fotografowac-a-co-publikowac?category=news>



## PORTUGAL

(Thanks Nuno)

ARTICLE 79. ° of the Civil code (Common Law from where the others are based)

(Right of Image)

1. The portrait of a person can not be displayed, reproduced or commercially released without her consent and after the death of the person portrayed, the authorization is the persons designated in paragraph 2 of Article 71. Thereof, in the order stated therein.

2. You do not need the consent of the person portrayed as so warrant its reputation, the position he plays, demands for police or justice, scientific purposes, educational or cultural, or when playback image comes framed in public places, or events of public interest or that have elapsed publicly.

3. The picture can not, however, be reproduced, displayed or marketed under that result from the injury to the honor, reputation or simple decency of the person portrayed.



## RUSSIA

<http://www.lonelyplanet.com/travelblogs/534/58001/Common+Sense+Photography+Rules+for+Moscow,+An+Update+to+My+Previous+Post?destId=360429>



## SOUTH AFRICA

(Thanks Grant)

Firstly, a person's right to identity is violated when the attributes of that person are used without permission in a way which cannot be reconciled with the true image of that person. Apart from the unauthorised use of a person's image, this kind of infringement also entails some kind of misrepresentation concerning the individual, such as that the individual approves of or endorses a particular product or service ..., while this is not the case. The unlawfulness in this kind of case is found in the misrepresentation concerning the individual and, consequently, in the violation of the right to human dignity.

Secondly, the right to identity is violated if the attributes of a person are used for commercial gain without authorisation by another person. Apart from the unauthorised use of the individual's image, such a use also primarily entails a commercial motive, which is exclusively aimed at promoting a service or product or to solicit clients or customers. The unlawfulness in this case is found mainly in the infringement of the right to freedom of association and the commercial exploitation of the individual.

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1869743](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1869743)



## SOUTH KOREA

Excellent resource by a Korean\American photographer:

Korean Photo Law and You

<http://tinyurl.com/9bqby3c>



## SPAIN

As long as the space you intend to shoot is open to the public and does not need any security control for access, you are free to take pictures because it is considered a public space with the same level of rights and obligations as any open street.

From the public street you can take pictures of any building even if you take the picture through the gate, as all you can see from the street is public domain. Obviously you can not hop on the gates, or put the camera inside. You can photograph any shop or building from the sidewalk, no one can tell you anything. For example; private facilities (like shops, malls, etc) are considered public places during the opening hours to the public, and ruled by the same legislation. Nobody can tell "no photos, please"

What to do when someone calls your attention:

Tell him it is our right (always with respect), he has not the right to forbid photographing the space. If the person or the security officer insists, you can safely say you're not going to stop taking pictures, call the police if you like. If the person tries to touch the camera to prevent you to take photos do not worry, this simple gesture is reportable as aggression. If he tells you to delete the pictures or to take out the film from the camera, NEVER do that. You simply give the camera to him and if he is deleting the pictures or taken out the film of your camera, he is committing an offense against intellectual property. You need to have a witness. When the police arrive, explain what happened and express your desire to precede a complaint of assault and intellectual property crime. You'll see how his face changes immediately.

In public locations spaces without metal detector, identification, etc., the shooting is completely legal. If not, you have to ask someone responsible.

People in public locations or in the street:

If we take a picture with less than three people on it, that image can be used for illustrating a newspaper article or similar, but not for commercial or advertising purposes. Otherwise you need to get the permission of these people or pay for it.

If there are more than three people in the photo, this is considered as a group. This image can be used for commercial and advertising purposes without permission.

<http://www.lomography.com/magazine/lifestyle/2011/02/25/the-war-against-photography>



## SWEDEN

(Thanks Ola)

In Sweden "Hidden cameras" are under debate but apart from that feel free to take photoshots on anything and anyone in public areas.

See:

<http://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=4992947>

<http://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=5016386>

<http://www.fotosidan.se/cldoc/vad-far-man-fotografera.htm>



## TURKEY

(Thanks Alphan)

Recently the High Court corrected a decision about a case (a lady photographed in a beach and this photo published in a magazine) :

The Local Court decided: "a beach is a public place so there is no private life violation in this case"

High Court: "to be in public area does not automatically permit being photographed"

See (Turkish language): <http://www.memurlar.net/haber/262167/>

Do not photograph or video anything military: bases, buildings, vehicles, aircraft, or soldiers on duty. Ask permission before photographing soldiers off-duty (as it is polite to do with any persons you photo/video). If you see the Turkish words *Fotograf yapmak yasak!* (Taking photographs prohibited!) observe the restriction.



USA

Taking photographs of things that are plainly visible from public spaces is a constitutional right – and that includes federal buildings, transportation facilities, and police and other government officials carrying out their duties. Unfortunately, there is a widespread, continuing pattern of law enforcement officers ordering people to stop taking photographs from public places, and harassing, detaining and arresting those who fail to comply.

<http://www.aclu.org/free-speech/know-your-rights-photographers>

The Photographer's Rights:

<http://www.krages.com/phoright.htm>

State by State Guide

<http://www.rcfp.org/photographers-guide-privacy/state-state-guide>

Also:

<http://www.vanderbiltlawreview.org/articles/2010/06/Zeronda-Street-Shootings-63-Vand.-L.-Rev.-1131-2010.pdf>



UK

(Thanks Will)

There is no Law of Privacy in the UK with regard to Street Photography in Public spaces. On private property, one must have the permission of the owner/organiser, to take & publish images.

Professional photography is banned in London's Trafalgar Square and Parliament Square as well as the Royal Parks.

Home Office Minister Tony McNulty MP has commented on the current legal situation regarding privacy.

*"There is no legal restriction on photography in public places, and there is no presumption of privacy for individuals in a public place.*

*It is for the Chief Constable to ensure that Officers and Police Community Support Officers are acting appropriately with regards to photography in public places, and any queries regarding this should be addressed to the Chief Constable.*

*However decisions may be made locally to restrict photography, for example to protect children. Any questions on such local decisions should also be addressed to the force concerned."*

However, read the following as Police can stop and search you if they suspect you are a terrorist or if you are in a sensitive place:

Photographers Rights and The Law In The UK

<http://www.urban75.org/photos/photographers-rights-and-the-law.html>

This two page guide, downloadable as a pdf, tells the basics:

The UK Photographer's Right Guide:

<http://www.sirimo.co.uk/2009/05/14/uk-photographers-rights-v2/>