[NL] Copyright of Photographer Not Infringed in TV-Program

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A photographer claimed his copyright was infringed because his photographs had been shown without his consent in a television programme of the Dutch broadcaster VPRO. The TV-program was about the problems in a certain district of Amsterdam where a lot of immigrants live. The photographer had compiled a report about this subject, which had been published in a newspaper. One of his photographs portrayed an immigrant boy. This picture was shown several times in the TV-program because of the conflict between the photographer and this boy. Also, excerpts of phone calls between the photographer and the VPRO were broadcast without the photographer's permission. The VPRO invoked its right to quote in accordance with Article 15a of the Dutch Copyright Act 1912.

The Court decided that there was no copyright infringement because showing the picture was done as part of a scholarly discussion and therefore constituted a permitted restriction of the copyright of the photographer. The special content of the item, that the boy was deeply incensed about the fact that the photographer had taken pictures of him and other boys without their permission, and the penetrating way the immigrant boy told his story in the TV-program, justified the way the photograph was used as elucidation of the item. The Court concluded that there had been no unreasonable manner of quotation within the meaning of the Copyright Act.

Kantongerecht Hilversum 15 maart 2000, Middelkoop vs. VPRO.

Kantongerecht Hilversum 15 March 2000, Middelkoop vs. VPRO.

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