[RU] Supreme Court rules on free use of photographs

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Andrei Richter
Comenius University (Bratislava)

The Civil Code of the Russian Federation allows, under certain conditions, free use of works without the consent of the author and without payment of remuneration, but with a mandatory indication of his or her name and the source of borrowing. In particular, it is permitted to cite for informational purposes in the volume justified by the purpose of the quotation.

The Supreme Court of the Russian Federation adjudicated in a civil case filed by a famous Russian blogger against the website archi.ru which covers issues related to architecture, history and current affairs. At issue was the use of 22 photographs by the plaintiff in 14 weekly reviews of the defendant.

The first instance dismissed the case as an abuse of copyright law. The second and third instances overruled the decision in favour of the plaintiff, noting in particular that it is not possible to “quote” images by using them as such to illustrate current affairs.

The Supreme Court ruled that the position of the appeals courts does not follow the provisions of the Civil Code and that quoting is allowed once the work, including photography, has become publicly available on a legal basis.

Определение Верховного Суда РФ от 25.04.2017 N 305-ЭС16-18302 по делу N А40-142345/2015

http://legalacts.ru/sud/opredelenie-verkhovnogo-suda-rf-ot-25042017-n-305-es16-18302-po-delu-n-a40-1423452015/

Ruling of the Judicial Collegium on Economic Disputes of the Supreme Court of the Russian Federation of 25 April 2017, N 305-ЭС16-18302

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