

Photo credit

1) Definition/introduction of the subject (1/4)

Photographic credit is a professional practice for the use of photographs, particularly press photographs, based on the authors' right of paternity.

To better understand what photographic credit is, you can refer to the code of good professional practice between press publishers, press agencies and photographers signed on 15 July 2014ⁱ which devotes a section to it.

This document legally constitutes an agreement applicable to the members and adherents, whether natural or legal persons, of the signatory organisations that represent them, in the context of their professional relations.

Under the terms of this agreement, "*Publishers undertake to systematically associate the publication of a photograph with the photographic credits relating to it, which must appear, as far as possible, alongside the photograph*".

A photographic credit includes at least: "*the name of the photographer and the name of the agency or source of the photograph*".

Any publisher who is a signatory to this agreement and who contravenes these provisions will be subject to the financial penalties stipulated in the agreement.

2) Development with 2 or 3 concrete examples or supporting flowcharts (2/4)

In order to reproduce a photograph, which is an original work, it is generally necessary first to obtain the author's permission (economic right). The extent of the rights assigned by the author (amateur or professional) of a photograph (whether accessible online or not) is stipulated in a rights assignment contract (whether free of charge or not, *open source* or not) specific to each photograph or image bank.

When a photograph, an original work, is reproduced without any photographic credit being given, this constitutes an infringement of the photographer's moral copyright. It is therefore necessary to comply with the way in which the author's photographic credit must be

mentioned (unless the author has expressly decided to remain anonymous, or if it is an orphan work - mention "Rights reserved" or "DR").

To sum up: the use of the photographic credit allows the moral right of authorship of the photographer, the author of an original work, to be respected, provided that a photograph is associated unambiguously with its author.

Some concrete examples of the use of photographic credit from case law:

- Infringement of the right of authorship is constituted by failing to credit a photograph in the name of the author and, even more so, by wrongly crediting another authorⁱⁱ.
- A publisher infringed copyright to the detriment of the author, Ms Caroline Z., by republishing and marketing without her authorisation a work with the mention C. Z. in the photo credit, even though the author had clearly specified the obligatory mention "Caroline Z." in the credit for her photosⁱⁱⁱ.
- It has been ruled that in the case of photographs, the right of authorship is respected as long as the practices relating to 'photographic credits' or 'legal notices' allow the author's name to appear in a small font near the reproduction, either at the end of the work or in a dedicated section^{iv}.
- It is an infringement of the authorship of photographs to include the author's name in a list of 26 names without indicating which photographs should be attributed to him or her^v.

3) Bibliography and web links/contacts (1/4)

ⁱ Code of good professional practice between publishers, press agencies and photographers signed on 15 July 2014, in the presence of Mrs Aurélie FILIPPETTI, Minister for Culture and Communication :

https://www.culture.gouv.fr/content/download/251267/pdf_file/20140715_MCC_DP-code-bonnes-pratiques-photographie.pdf

ⁱⁱ Court of Appeal, Lyon, 8th Chamber, 6 July 2022 - no. 21/07522

ⁱⁱⁱ Court of Appeal, Paris, Pôle 5, chamber 2, 19 June 2020 - no. 19/02523

^{iv} Court of Appeal, Nancy, 1st Civil Division, 7 May 2019 - no. 17/01764

^v Court of Appeal, Paris, 4th chamber, section A, 4 March 2009 - no. 07/12226

Contact us:

CujasFormation@univ-paris1.fr, CujasDocElec@univ-paris1.fr.