



London 2019

**Panel Session I:
The art of IP – copyright and the exploitation of art and architecture**

Art and architecture have been afforded copyright protection since the Berne Convention, yet the specifics of protection have remained inconsistent, and clashes with the public interest have been frequent.

Visitors to museums and other cultural heritage institutions are familiar with signs prohibiting photography, and with postcards containing copyright notices – even on reproductions of works that are obviously in the public domain. However, opinions vary about the extent to which copyright can help institutions control the use of their works of art, and how it relates to physical property rights and freedom of expression and of the arts. Cultural institutions also face their own copyright challenges when it comes to digitising and publicising their collections.

Similarly, there are wide differences between countries in the protection given to architectural works, in terms of originality requirements, infringement criteria and exceptions for the use of works in public places (the ‘right of panorama’). Efforts at harmonisation or clarification have had little success.

This panel will discuss the role of copyright in the protection and exploitation of art and architecture, and its interaction with other means of protection including property rights and contracts. It will touch on both the museums' and artists' perspective and will also look at relevant case law. For example, an interesting decision by the German Federal Supreme Court (BGH) "Museumsfotos" will be discussed.