

Preface

This guide provides teachers of the University of Applied Arts Vienna with an overview on the use of images in academic work. Furthermore, it gives answers to recurring issues in regard to image rights/copyright.

Although more complicated cases may arise when using images, in the university context the practice is easier to handle. If you wish to use images that have been published in teaching, you may do so based on, for instance, §42g. Digital Use in Teaching, as will be discussed in the following pages. In addition, more extensive regulations and background information can be found in the back part of the guideline. Since many terms are rather difficult to translate, Austrian terms or paraphrases are used if needed.

Comments and suggestions for improvement are welcome and should be addressed to image@uni-ak.ac.at. The guide reflects the status as of November 2023. It does not replace professional legal advice.

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UrhG §42g. Digital Use in Teaching

The most important regulation for the use of images in an educational context is §42g. Digital Uses in teaching.

Within copyright law, this regulation restricts the author's rights and enables us to use protected images. In the legal text, the following part is particularly relevant to us *[emphasis added; no official translation]*:

(1) Schools, universities, and other educational institutions are allowed to reproduce, distribute, broadcast through radio, publicly perform according to § 18 para. 3, and make available to the public released works within the scope of digital use for the purpose of illustrating teaching or education, particularly to support, enrich, or complement them, as well as publicly reproduce a database work (§ 40g), if:

1. such usage takes place under the responsibility of the educational institution, either on their premises or at other locations, or
2. it takes place within a secured electronic environment

accessible only to the pupils, students, and teaching staff of the educational institution, and to the extent that this justified for non-commercial purposes.

(...)

Released protected images or self-made photographs of released protected artworks may be digitally used in teaching and education, provided the following conditions are met:

- the usage is intended to illustrate teaching or education, particularly to support, enrich, or complement them.
- the usage takes place under the responsibility of the educational institution, either on their premises or at other locations, or in a secured electronic environment.
- the utilized images are only accessible to university members.
- there is no commercial purpose for the usage.

UrhG §42. Reproduction for personal and private use

- In principle, reproductions of works for private use are allowed. The reproduction and distribution of these copies in the context of schools or universities are specifically mentioned and permitted in §42 (6). This allows educational institutions to create handouts and similar materials for teaching purposes and distribute them to participants in the courses.

Works for school or educational use

- Excluded from §42 are copies of teaching materials, such as entire school textbooks, which are explicitly intended for educational purposes.
- In contrast, §42g permits digital uses in teaching and education, allowing the reproduction, distribution, or public provision of school textbooks, etc., digitally, up to 10% of the total work.

Image quotation: How to cite an image

Apart from the mentioned usage possibilities, the image quotation is essential for scientific activities and can be relevant outside the teaching context, such as within the scope of scientific presentations.

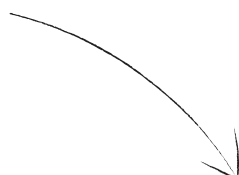
Within copyright law, the right to quote (§42f) [*Zitatrecht*] restricts the authors' rights and enables us to use protected images. In the legal text, the following part of the first paragraph is particularly relevant to us [*emphasis added; no official translation*]:

(1) A released work may be reproduced for the purpose of quotation, distributed, broadcasted, made available to the public, and used for public lectures, performances, and demonstrations, provided that the extent of the use is justified by the particular purpose. This is permissible in particular if

1. individual works, that have already been published, are included in a scientific work constituting the main subject matter; a work of the kind referred to in § 2 item 3 or a work of the fine arts may only be included to explain the content;
2. works of fine arts, that already have been released, are publicly presented at a scientific or educational lecture that forms the main subject matter merely for the purpose of explaining the content, and the necessary copies are produced for this purpose;

[...]

- **Released** means that a work has been made available to the public with the permission of the rightsholders.
- **Published** means that a work has been published and circulated in sufficient numbers.



How to cite an image? II/II

Image quotation: How to cite an image?

- An **image quotation** of a copyright-protected image is legally possible if you want to use a **previously published or an image lawfully taken by you to illustrate the content**, for example, within a presentation.
- It is important that the main context is a **scientific presentation** in which you are citing the image.

What does that mean in practice?

- If you quote an image, there must be a **discussion of content** (in copyright law this is called Erläuterung des Inhalts). The image that is specifically addressed **supports** your text argumentation and has a **supporting function**. However, your argument also works without the quoted image. Even if the image "only" supports, it should **not be superfluous**. Furthermore, there should be a **proportionality between size and content function** (if you only want to use a detail of the image, see [Editing of Lichtbildwerke and Lichtbilder p. 12](#)). It is **not sufficient** if you quote an image or several images as **mere illustration**.
- As the conditions for an image citation are similar to those of a text citation, it can be helpful to work out how you would proceed with a text quote.
- **Name the author, title of the work and source (illustration credits) as well as the photographer (e.g. p. 11; the credits were noted by the institution as a citation requirement).**
- An image quotation exists only if it is not separated from its context and thus from its explanation. Without your explanatory presentation text, for example, images that you cite on your presentation slides are no longer covered by the citation; this is especially important if you want to make presentation slides publicly available.
- Generally speaking, any released or published image can be cited. But only if it meets the **requirements for an image quotation**; a string of copyrighted images, you only discuss on a superficial level or which are merely nice to have, will not qualify as an image quotation. At the same time, the image quotation often remains unused as a possible option, e.g. in a publication, due to legal uncertainty for authors and/or the lack of suitable images.

Special case: Publications

In principle, an image quotation for scientific works (i.e., a primarily illustrative scientific work or presentation) can be used to explain the content. If content is digitally conveyed and is intended for commercial purposes, please contact the Angewandte Legal Department. Generally, when using copyright-protected works, complete legal certainty can often not be guaranteed unless the usage is clarified with the rights holders in the corresponding scope in advance.

How do I use images for ...?

Lectures Seminars

... Lectures

- In a lecture you can use photos that have already been released as well as your own e.g. by [§42g. Digital Uses in Teaching](#) without clarifying usage rights.
- If you would like to use **unreleased images** to which you do not hold the rights of use, get in touch with the copyright holder as well as the photographer and clarify whether/how you can use the images.
- If you want to make the handout or presentation available to the participants of the course online, use the base Angewandte Cloud, your university email or another university platform that is password-protected and thus accessible only to a limited group of people. Social media platforms are not included in this category.
- Name the author, title of the work and source (illustration credits) as well as the photographer (if known). ([Protection of intellectual interests p. 16](#) or [protective rights p. 17](#)).
- Note: [Editing of Lichtbildwerke and Lichtbilder p. 12](#)

Consider:

- [author's rights \(p. 16\)](#).
- [protective rights \(p. 17\)](#).
- [right to one's own image \(p. 14\)](#).
- [freedom of panorama \(p. 14\)](#).
- [Householder's rights \(p. 14\)](#).

possible uses:

- [§42g. Digital Uses in Teaching \(p. 3\)](#).
- [§42. \(6\) Reproduction for personal and private use \(p. 4\)](#).
- Exception: [EU Directive 2019/790 \(p. 18\)](#).

... Seminars

- In a seminar you can use photos that have already been released as well as your own e.g. by [§42g. Digital Uses in Teaching](#) without clarifying usage rights.
- If you would like to use **unreleased images** to which you do not hold the rights of use, get in touch with the copyright holder as well as the photographer and clarify whether/how you can use the images.
- If you want to make the handout or presentation available to the participants of the course online, use the base Angewandte Cloud, your university email or another university platform that is password-protected and thus accessible only to a limited group of people. Social media platforms are not included in this category.
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How to use images for ...?

Scientific lectures Publications

... scientific lectures

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- If you do not have the rights to use the images in question and they do not meet the requirements for an **! image quotation !** (e.g. they are not released), you should refrain from using them or clarify the rights of use.
- Name the author, title of the work and source (illustration credits) as well as the photographer (if known). (Protection of intellectual interests p. 16 or protective rights p. 17).
- Note: Editing of Lichtbildwerke and Lichtbilder p. 12

Consider:

- author's rights (p. 16)
- protective rights (p. 17)
- rights to one's own image (p. 14)
- freedom of panorama (p. 14)
- Householder's rights (p. 14)

possible uses:

- image quotation (pp. 5–6)
- Exception: EU Directive 2019/790 (p. 18)

... Publications

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- Name the author, title of the work and source (illustration credits) as well as the photographer (if known). (Protection of intellectual interests p. 16 or protective rights p. 17).
- Note: Editing of Lichtbildwerke and Lichtbilder p. 12

Consider:

- author's rights (p. 16)
- protective rights (p. 17)
- right to one's own image (p. 14)
- Panoramafreiheit (p. 14)
- Householder's rights (p. 14)

Possible uses:

- image quotation (pp. 5–6)
- Exception: EU Directive 2019/790 (p. 18)

... Social Media

- If you want to share copyrighted images on social media platforms, you should **own the image rights (for the photo and the depicted work) and/or be the copyright holder yourself.**
- While many cultural institutions use hashtags for exhibitions, if in doubt, check the house rules to see what reuse of your footage is possible. **Private use**, which is mentioned as reuse in many house rules, **does not include sharing on commercial social media platforms**, even if you want to share images on your private and/or restricted account.
- Sharing and creating memes and the like is now covered by [EU Directive 2019/790 \(p. 18\)](#), which is in force since January 1, 2022.
- **Note:** [Editing of Lichtbildwerke and Lichtbilder p. 12](#)

Consider:

- [author's rights \(p. 16\)](#).
- [protective rights \(p. 17\)](#).
- [right to one's own image \(p. 14\)](#).
- [freedom of panorama \(p. 14\)](#).
- [Householder's rights \(p. 14\)](#).

Possible uses:

- Exception: [EU Directive 2019/790 \(p. 18\)](#).

Course: Is it permitted to photograph/film?

- Do **not** photograph or film without permission.
- Respect the **personal rights and copyrights** of the participants and teaching staff.
- If you are allowed to make recordings, use them only for yourself. Do not share your recordings on social media without explicit permission.
- Always ask before taking a photograph or recording and clarify how and whether you can use them.

Consider:

- [right to one's own image \(p. 14\)](#).
- [author's rights \(p. 16\)](#).
- [protective rights \(p. 17\)](#).

Online course: Are screenshots/recordings permitted?

- Do **not** make **unsolicited** recordings or screenshots.
- Respect the **personal rights and copyrights** of the participants and teaching staff.
- If you are allowed to make recordings/screenshots, use them only for yourself. Do not share your recordings on social media without explicit permission.
- Always ask before taking a screenshot or recording and clarify how and whether you can use them.

Consider:

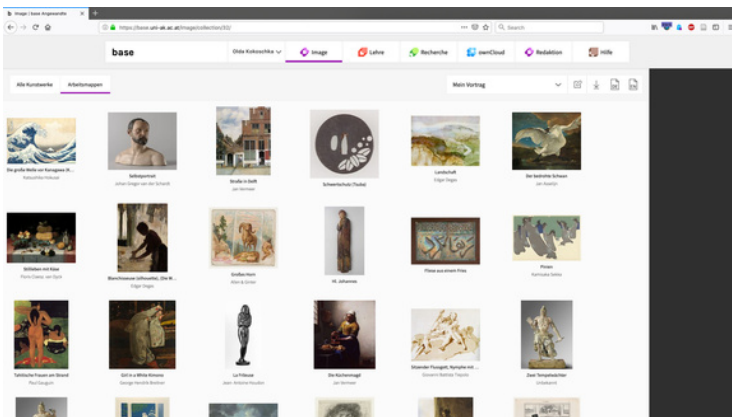
- [right to one's own image \(p. 14\)](#).
- [author's rights \(p. 16\)](#).
- [protective rights \(p. 17\)](#).

What kind of images?

image

university image database of the Angewandte

IMAGE+ Platform for Open Art Education
Vordere Zollamtsstraße 7
1030 Wien
<https://imageplus.at>



Screenshot: Bilddatenbank *image* auf der base Angewandte.

Image database *image*

The image database *image* is available to all students and staff of Angewandte on the [base Angewandte platform](#). There, you can discover and download images along with their scientifically founded metadata, which are used in the visual-based education at Angewandte.



Functionality

- Through diverse filtering and search functions, you can use *image* for your artistic and scientific research.
- You can collect and organize the image datasets in personal albums or share them with other users.
- Additionally, you have the option to create presentation slides individually or collaboratively, and export them as labeled presentations.

Get involved

- All users have the option to contribute images to "image" as needed.
- To do so, submit an image template (e.g., an illustration from a book) to the Department of Art History or, if the image has sufficient quality and comes from a reliable online source, send a link to the image template at image@uni-ak.ac.at.

What kind of images?

Photographs: Lichtbilder & Lichtbildwerke

Photographs

- If you want to use works of art in your scientific activities and studies, e.g. in a presentation, you will usually not only rely on your own photographs.
- **Both** the artworks that are photographed **and** the photographs of the artworks themselves are subject to the rights of the authors and/or the photographers. In order to be able to use the photographs, you must therefore observe two levels of rights.
- The Austrian Copyright Act (UrhG) also distinguishes between Lichtbildwerke [photographic works] and Lichtbilder [simple photographs]. This is relevant for you because of the differing scope of protection and the duration of protection that limits the copyrights or the property rights in time.
- Lichtbilder are protected for 50 years after the photograph was taken or after it was released. Lichtbildwerke, on the other hand, fall under the definition of a work and therefore are protected up to 70 years after of the author's death.
- After the protection period, works, Lichtbildwerke, and Lichtbilder enter the **public domain (p. 13)**; they can then be used by anyone for any purpose.
- The **protective rights (p. 17)** to a Lichtbild are hereditary and can be sold. The **copyrights (p. 16)** to a Lichtbildwerk/work can be inherited and transferred to special successors. It is important to note that this may result in **different conditions of use**.
- **Note: Editing of photographic works and photographs p. 12 & EU Directive 2019/790 (S. 18)**
- **Teaching is privileged under §42g. Digital Uses in Teaching and §42. Reproduction for personal and private use.**

What is a Lichtbild [simple photograph]?

- A Lichtbild does not benefit from the same protection as a work.
- It is created, for example, when a reproduction photograph of a "two-dimensional/flat" artwork, e.g. a graphic, is made. The photograph is therefore a reproduction of the depicted artwork that is as faithful to the original as possible and does not reach the level of creation of a work.
- Because it does not leave sufficient scope for a "peculiar intellectual creation", the photograph therefore does not fall under the concept of work.

What is a Lichtbildwerk [photographic work]?

- A Lichtbildwerk is a work and is protected accordingly. It falls under the concept of a work protected by copyright due to the **author's peculiar intellectual creation**.
- **Decisions such as the point of view or light/shadow conditions** are already sufficient for an original intellectual creation. If you photograph a "three-dimensional" work of art, e.g. a sculpture or a painting, in such a way that no faithful reproduction is produced, the criteria for a photographic work are already fulfilled.
- For instance, if you take a photo of a landscape, you also create your own photographic work.

What kind of images?

Third party photographs, Lichtbilder & Lichtbildwerke: examples

IMAGE+ Platform for Open Art Education
Vordere Zollamtsstraße 7
1030 Wien
<https://imageplus.at>

Example of a Lichtbild of an artwork



Unknown, Lord Byron, after 1813, Wien Museum Inv.-Nr. W 1033, [CC0](https://sammlung.wienmuseum.at/objekt/297940-lord-byron/)
(<https://sammlung.wienmuseum.at/objekt/297940-lord-byron/>)

Example of Lichtbildwerke of a artwork

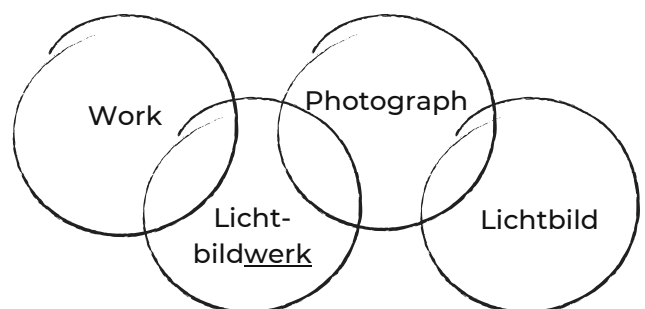


Unknown, inscription stone from St. Stephen's, around 1450, Wien Museum Inv.-Nr. 577, [CC BY 4.0](https://sammlung.wienmuseum.at/objekt/276/),
Fotos: Birgit und Peter Kainz, Wien Museum
(<https://sammlung.wienmuseum.at/objekt/276/>)

Example of a Lichtbildwerk



Photo: Charlotte Reuß



- It is important to note that the **protection period varies** between a Lichtbild and a Lichtbildwerk/work of art. It is also relevant that with a photograph of an artwork, there are usually **several levels** on which different rights exist and which must be considered.
- For example, if you want to use a Lichtbildwerk or a Lichtbild (for the latter, see [EU Directive 2019/790, p. 18](#)) by a photographer that shows a work by Max Beckmann (d. 1950), you must clarify the rights to the Lichtbildwerk, even if Beckmann's works have been in the public domain since 2020.

Editing of Lichtbildwerke & Lichtbilder

- If you would like to edit a copyrighted Lichtbildwerk, e.g. crop it or add markings, this must be clarified with the copyright holder, especially for publications, university publications and presentations outside of your university studies (see [Works Protection p. 16](#)).
- Besides that, an adaptation is only permissible if the newly created work represents an independent and distinct creation compared to the original work.
- Since we usually refer to a copyrighted work through a Lichtbild/Lichtbildwerk, the protection period of the depicted artwork must **always** be taken into account.

Notes: Create your own photographs

- If you want to use your own photographs of artworks in your scientific work, you must consider the rights to the photographed works, unless they are already in the public domain.
- Photographs you have taken in the public space, may be covered by the [freedom of panorama \(p. 14\)](#). If so, you can use them.
- If other people are visible in your photographs, you should make sure their [right to their own image \(p. 14\)](#) is not violated.
- If taking photos in a cultural institution is permitted, it is advisable to read the respective [house rules \(p. 14\)](#) to find out whether and to what extent you can use your photos. House rules should be physically displayed and can usually be found online.
- Note: [Editing of photographic works and photographs p. 12](#).

Online

- Besides university image databases, you will find most images online, e.g. on museum websites or via commercial image databases. In order to be able to use these images, it is essential that they have been legally [released \(p. 4\)](#). This means that they were made available to the public with the knowledge of the copyright holder. Image files that you find on the Internet and that have a reputable source can be used in the context of a course.
- In order to assess whether an image file has been legally released, you can, for example, perform a [reverse image search](#) (e.g. Google Images) or compare the image with other images offered by the [upload source](#).
- In addition, the further use of the images is specified in more detail in the respective imprint of the source or when downloading.

What kind of images? Public domain, Creative Commons

Public domain

- A work or Lichtbild becomes **public domain** when the respective protection period ends. After the expiry of this period (Lichtbildwerke/works: 70 years after the death of the author; Lichtbilder: 50 years after the photograph was taken or after it was released), there are no longer any intellectual property rights, e.g. **exploitation rights (p. 16)** or **protective rights (p. 17)**.
- You can use public domain works for all purposes without having to pay.
- Works for which the rights have expired always become public domain on 1 January of a year. The Anglo-American public domain is not the same as the term "Gemeinfreiheit."
- Again, it is **important to note**: rights may still exist in a Lichtbildwerk of a work in the public domain, regardless of whether a public domain work is depicted. Therefore, always consider the **multiple levels on which the rights of others can exist** (cf. **p. 11**, example: Max Beckmann). Exception: **EU Directive 2019/790 (p. 18)**.
- In the meantime, there are many online offers of public domain works that you can use. In order to assess whether a photograph is in the public domain, you can perform a **reverse image search** or **compare the image with other images offered by the upload source**.
- If you make recordings of public domain works yourself with permission, e.g. in a museum, this does not ensure that you can use your recordings in accordance with public domain rules, since the **house rules (p. 14)** dictate the use.
- The fact that the use of public domain works is sometimes blocked and/or the term of protection extended has been addressed by **EU Directive 2019/790 (p. 18)**, which entered into force on 1 January 2022.

Creative Commons

- **Creative Commons** is a nonprofit organization that promotes simplified, legal sharing of knowledge, especially in the digital realm.
- **Creative Commons licenses are intended to provide low-threshold and transparent access to copyrighted works.**
- The standardized CC licenses can only be issued by authors or authorized rights holders.
- **There are 6 licenses to choose from.**
- To use images under CC licenses, you must comply with the stated terms of use of the respective licenses.
- Unless otherwise stated, a CC license only covers the image in question, but not always automatically the subject depicted.
- For instance, the tutorial video **How to: Use Copyright Licenses** explains how to add CC licenses to your own works on base Angewandte.

How to use images?

Right to one's own image, Freedom of panorama, Householder's rights

Right to one's own image: How do you deal with pictures in which other people can be seen?

- The right to one's own image regulates the handling of images in which people can be recognised.
- You may only publish a photograph of another person without their consent under certain conditions.
 - The legitimate interests of the person shown must not be violated; for example, he or she must not be shown in a detrimental way, such as visibly drunk. Legitimate interests of a person may be violated by the photograph, captions or context.
 - Photos must not violate the privacy of the person shown.
 - Photographs taken in public space, at a public event or public occasion (e.g. on the street, a vernissage) and that do not infringe on any legitimate interests of persons may usually be used.

Freedom of panorama: May I use my own photographs taken in public space?

- You may photograph artworks and buildings that are permanently installed in public spaces and that are accessible and visible due to the applicable freedom of panorama. You may use your photographs in Austria or elsewhere where panorama freedom allows this.
- Accessible and visible means that you may not use any aids such as ladders or drones; neither may the photograph be taken from the viewpoint of a private property.
- Temporary installations (e.g. Bregenzer Seebühne) are not considered permanent.

Householder's rights: Why are householder's rights often relevant for image use?

- The householder's rights are not part of the copyright law, but are often decisive for the use of images.
- For instance, it allows the granting of photography permits or prohibitions in a cultural institution by means of house rules.
- Thus taking photographs in a cultural institution may be permitted. At the same time, however, this does not mean that the further use of one's own photographs, for example on social media, is automatically permitted. Therefore, to be on the safe side, read the house rules, which should be available physically and often also online, or ask directly.

How to use images?

Public domain, CC licenses, licenses & work use permissions/right

Public domain: How can I use public domain works?

- You can use public domain works for any purpose without payment.
- If you want to use a work in the public domain, you will usually have to use a Lichtbild-/werk of the actual work. You will have to clarify the existing rights of the photographers if necessary.
- The [EU Directive 2019/790 \(p. 18\)](#) aims to simplify the accessibility and use of public domain works. In Austria, it entered into force on 1 January 2022.

Creative Commons: How can I use images under CC license?

- To use images under CC licenses, you must comply with the stated terms of use.
- Unless otherwise stated, a CC license covers only the image, but does not always cover the work depicted.
- To make sure that the images have been made available legally under a CC licence, you can carry out an image search or compare the image with others offered by the upload source. In addition, the respective imprint of the source often specifies the further use of the images.
- Always include the CC license when using CC-licensed images.

Licenses & permission to use works: How do I obtain them?

- If you want to use copyrighted images outside of courses and cannot do so within the framework of the [free use of works \(p. 17\)](#) (e.g. image citation), you must obtain the image rights yourself.
- Cultural institutions usually offer their own reproduction service for this purpose, sometimes for a fee, which takes into account both the rights to the work and the rights to the Lichtbild-/werk. In addition, many artists are represented by collecting societies which can grant licences for the use of works.
- The [collecting society responsible in Austria \(p. 17\)](#) – Bildrecht – offers an artist search on their website, which shows who is represented by them. In addition, it is possible to inquire directly with artists, rights owners or galleries.
- The clarification of image rights often differs in individual cases, which is why no general procedure can be outlined here. Nevertheless, you can formulate relevant details in advance that specify how you want to use copyrighted works in order to facilitate subsequent communication.

Who is the author? (can be found at: §§ 10, 11 UrhG)

- The person who created or co-created a work is the author or co-author.

What is a work? (can be found at: §§ 1, 3 UrhG)

- A work is a peculiar intellectual creation.
- It is protected by copyright as a whole and in parts.
- Works of fine arts include Lichtbildwerke (photography), architecture and applied arts.
- Ideas are not protected by copyright.

For our purposes, the rights listed in the Copyright Act can be divided into two parts: the copyrights, which concern works created by authors, and the protective rights, which among other things regulate the protection of photographic images.

What rights does the author hold?

- In the Copyright Act, the following elements constitute the copyright:
 - Exploitation rights (§§ 14, 15, 16, 16a, 16b, 17, 17a, 17b, 18, 18a)
 - Protection of intellectual interests (§§ 19, 20, 21)
 - Duties of the owner of a workpiece (§ 22)
 - Transfer of copyright (§ 23)
 - Permission to use the work and right to use the work (§§ 24, 24c)
 - Execution restrictions (§ 25)
- The copyrights are inheritable and transferable to special successors.
- In addition to the exploitation rights, the **personal rights** of the authors are particularly decisive for the use of images. For instance, they regulate the naming of the authors or the editing possibilities of the work.

What are exploitation rights?

Exploitation rights (§ 14) are part of the copyright:

- Reproduction right (§ 15)
- Distribution right (§ 16)
- Renting and lending (§ 16a)
- Resale right (§ 16b)
- Broadcasting right (§§ 17, 17a, 17b)
- Lecture, performance and presentation right (§ 18)
- Right to make available (§ 18a)

What are protective rights (related rights) to Lichtbilder? (can be found at: §§ 73, 74)

- Related rights to Lichtbilder are part of the Copyright Act.
- The producer of a photograph has the following exclusive property rights, which are heritable and alienable:
 - Reproduction right
 - Right to make available
 - Broadcasting right
 - Distribution right
 - Lecture, performance and screening rights
- There are also rights to the producer being named in the case of reproductions and to significant changes to the photograph being noted.

What are collecting societies?

- They represent the rights of authors on their behalf and in their name.
- Certain copyright claims can only be asserted by collecting societies.
- In Austria, the collecting society Bildrecht is responsible for the interests of its members in the fields of fine arts, architecture, choreography, design, photography, graphics, illustration and performance.
- Link to the [Austrian Collecting Societies Act](#)

Where does copyright law apply?

- The Austrian Copyright Act is applicable to the University of Applied Arts Vienna. Copyright law applies, which concerns the destination of an activity, such as the place of publication.
- For publications abroad, the respective national copyright law applies.
- In publications with a significant international scope, it should be noted that copyright infringements in other countries can have consequences. For example, a book published in Austria may still violate copyright laws in other countries.

What exceptions ("barriers") exist in the Copyright Act?

- The following free uses of works in the UrhG are important in the university context and limit the exploitation rights of authors: **Reproduction for own and private use, § 42 (2) & (6); Digital uses in teaching and learning § 42g; Quotations § 42f; Public reproduction in education § 56c**
- Also provide the following information in the case of free use of the work: Author, title of work and source (proof of illustration) as well as the photographer for Lichtbilder.

Accessibility & Science

As can be drawn from the said, the scientific use of images still is complicated, to say the least, and requires extensive familiarization, which does not necessarily lead to more legal certainty—especially since many practice-related interpretations of the legal texts are only substantiated by court rulings. The difficulty of balancing the interests of authors and those of science often proves unfavorable in practice for scientific activities. Since science and research build on already existing knowledge and thus are obliged to refer to copyright-relevant material, the use and especially the dissemination of acquired knowledge to the public is often not possible or insufficient. Rather, primarily commercial interests are increasingly obscuring the intention of Copyright law: an intention that aims at not only assuring the rights to the authors, but also at granting the general public the use of works.

EU Directive 2019/790 (entered into force on 1 January 2022)

The fact that protection periods of public domain works can be indirectly extended by protection periods on photographs is now weakened by the [EU Directive \[RL\] 2019/790](#). Reminder: Due to double protection periods on photographs of public domain works, they often remain inaccessible.



Until 31 December 2021

2022: Lichtbild of work A is released/taken

+ 50 years

2072: Lichtbild of work A enters the public domain

2022: Lichtbild of work A is released/taken

SINCE
1 January 2022

2022: Lichtbild of work A enters the public domain.

In addition to further amendments to the Copyright Act, the EU Directive stipulates that no further protective rights may exist in respect of Lichtbilder (not Lichtbildwerke!) of works of fine arts in the public domain (§74. (1)).

base Angewandte:

<https://base.uni-ak.ac.at/>

(accessed on September 30, 2023)

IMAGE+ Platform for Open Art Education:

<https://imageplus.at>

(accessed on September 30, 2023)

UrhG Österreich:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001848>

(accessed on September 30, 2023)

Verwertungsgesellschaftengesetz Österreich:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20009532>

(accessed on September 30, 2023)

Universitätsgesetz Österreich:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20002128>

(accessed on September 30, 2023)

Creative Commons Licenses:

<https://creativecommons.org/licenses/>

(accessed on September 30, 2023)

Oesterreich.gv.at, Das Recht am eigenen Bild:

https://www.oesterreich.gv.at/themen/bildung_und_neue_medien/internet_und_handy___sicher_durch_die_digitale_welt/7/Seite.1720440.html

(accessed on September 30, 2023)

Bildrecht.at, artist search:

<https://www.bildrecht.at/kuenstlersuche/>

(accessed on September 30, 2023)

Eur-Lex, Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (Text with EEA relevance.):

<https://eur-lex.europa.eu/legal-content/DE/TXT/?uri=CELEX%3A32019L0790>

(accessed on September 30, 2023)

Bildrechte in der kunsthistorischen Praxis – ein Leitfaden (2. Auflage), hg. von: Verband deutscher Kunsthistoriker e.V., Bonn 2022:

<https://archiv.ub.uni-heidelberg.de/artdok/7769/>

(accessed on September 30, 2023)

Copyright Users EU: <https://copyrightuser.eu>

(accessed on September 30, 2023)

Teachers Guide: Image use in scientific work

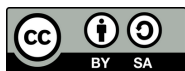
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