

June 14th, 2022

To whom it may concern



Press photographers' copyright and live performances

The Danish Union of Journalists has seen press photographers' contract intended for use in connection with concerts and shows. In some of these contracts, the photographers are presented with terms regarding copyright to the photos shot during the concerts and shows.

These terms conflict with legal and customary practices in Denmark.

Several verdicts at Danish courts (see appendix) have determined that the photographers do not have the right to – without explicit consent – exploit photographs (or any other likeness) of the musicians or performers in the form of posters or for merchandising purposes, in commercials or direct or indirect endorsement of any product or service. Following this, celebrities' rights to financial and personal protection of their own image stand strongly in Danish legal practice.

In addition to that, also in editorial medias, the Danish penal code, tort law and ethics of journalism prohibit use of photos in contexts that are offensive to the pictured. Furthermore, the Danish Union of Journalists and The League of Press Photographers work closely together with event promoters to maintain a high level of self-regulation in this area.

It is therefore our hope that photographers will be allowed to freely photograph, and to freely publish these photographs in editorial medias.

Hopefully, this clarification will bring about a fruitful collaboration between musicians and performers, the Danish press photographers, and live event manager so that concerts and shows in Denmark will get the press coverage that we are sure they well deserve – and that the fans expect.

Best regards,

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Relevant Danish case law on commercial use:

- U 1965.126 H (Actor Buster Larsen)
- U 1974.952 Ø (Artist/writer Sigvaldi)
- U 1980.945 Ø (Footballer Allan Simonsen)
- U 1983.630 Ø (Musician Kim Larsen)
- U 1986.272 SH (Actor Per Pallesen)
- U 1986.405 Ø (Musician Sanne Salomonsen)
- U 1986.428 Ø (Business leaders)
- U 1989.511 Ø (Tv-star Bjerrehus)
- U 1989.981 Ø ('Page 3-girl'),
- U 1989.1146 SH (Business leader)
- U 1995.624 H (Carina from Wheel of Fortune)
- U 1996.740 SH (Musician Erann DD)
- U 1998.160 Ø (Tv-star)
- U 1998.170 Ø (Actor)
- U 2003.6865 H (Footballer)
- U 2008.1974 H (Handball player)
- U 2009.2666 Ø (Stand Up-comedian)
- U 2015.1505 Ø (Politicians)