

Guten Tag. My name is Sylvie Fodor. I am executive director of CEPIC – the federation of European picture agencies representing the interests of some 1,000 picture sources in Europe and from other parts of the world – we say « sources » in order to cover all business models. These picture libraries represent an estimation of 150.000 individual authors (photographers).

Finding the Author is not an issue for picture libraries

Our members license images on behalf of their photographers and report every license every month to all of them. Photolibraries have good databases containing information on the author and on every picture they have. There are no orphans in picture libraries because they have to pay for all the images licensed every month.

The real problem for picture libraries are not “orphan pictures” but those “pictures which look orphan” because they are insufficiently credited – This happens frequently when a list of photographer’s names is published at the end of a book with neither indication of the page nor the position in the page. This, surprisingly, happens in books who deal exclusively with photographs.

From our point of view, Arrow will only be a good system for visual content if it is able to cope with this problem. Otherwise, there is a real danger that Arrow eventually creates orphan works on images that have a recognized author, generating innumerable legal cases when known authors will request to be recognized as such.

The good news is that finding the Author in such cases is possible!

Efficient technology allowing tracking images back to the source and/or author exists; there are several companies on the market used by our members.

This is why I was *baffled* when I read the very recently signed MoU on out-of-commerce books. (Trade associations representing photographers or picture agencies were not invited to take part in the negotiations.) Its consideration 7 reads:

*“(7) Recommending that the Agreement covers embedded images in literary works, whilst having regard to the fact that **efficient electronic identification of images is not yet developed.**”*

This statement is completely wrong and displays ignorance of the picture industry.

Image identifying technology exists and is regularly used by photo libraries. The question is not whether this technology exists but how Arrow will integrate this technology in a publishers and librarians' environment.

In order to make this possible, **we need a Copernican Revolution**. Image users will only solve the issue of images rights if they leave their tunnel vision and accept to look at the issue from the perspective of the image professionals that license the images and the authors that produce them. A purely bibliographic solution that may work for publishers and librarians for literary works will not work for images.

This leads me to a critical analysis of the present Arrow system of which you have seen a presentation.

Arrow has been conceived by publishers and collecting societies. It integrates their databases. Search is done on a bibliographic basis only.

As a first step, Arrow Plus will need to integrate the authors' names databases of collecting societies for visual art. It must also integrate the databases of picture agencies: they can identify the work and the author with a precision that no other databases in existence can do. The Copic Database which links all our members' databases is the only solution that can help Arrow to identify images and authors. However, for those books that contain non credited, badly credited or wrongly credited images, it will be necessary to integrate some visual search as well. At the end what we need is a mixture of text based and visual search.

To summarize: Arrow will only be able to find the author of the individual images if it undergoes its Copernican Revolution and understands that images all have known authors in the photo libraries that license images on their behalf. Otherwise, Arrow will artificially create a bunch of orphaned pictures and will open the door to legal claims from the neglected authors whose images have been considered OW. (Remember: efficient tracking technology exists!)

To Conclude: At CEPIC, we are aware that the standardization of images identification must be adopted as a unique system for all photo libraries and the authors they represent and while this is already been worked out, the main question has to be answered within our feasibility study for Arrow Plus.

“**How to Identify Images?**” will therefore be presented as a solution on the Stakeholder Meeting on 18 May 2012 in London within the framework of the CEPIC annual Congress. We will invite all Arrow partners, the signatories of the MoU on out-of-commerce books and representatives from the European Commission and European Parliament. The Stakeholder Meeting will be organized in cooperation with IPTC and Pyramide Europe.

Thank you. Vielen Dank.