

Trial and Error in Journalism and Communication Education

Trial and Error in Journalism and Communication Education:

*Between the Classroom
and Industry*

Edited by

Sandra Marinho
and Pilar Sánchez-García

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INTRODUCTION

THE CHALLENGES OF JOURNALISM AND COMMUNICATION EDUCATION IN A CHANGING ENVIRONMENT

SANDRA MARINHO

UNIVERSITY OF MINHO (PORTUGAL)

AND PILAR SÁNCHEZ-GARCÍA

UNIVERSITY OF VALLADOLID (SPAIN)

The shifting communicative environment is generating an ever greater need for experimentation in the media, with the creation of laboratories aimed at innovating in narratives in order to provide new tools and to foster a new connection with audiences (Salaverría 2015). At the same time, higher education must adapt to the new multimedia and digital reality by becoming a place for training which is also, and more than ever, linked to experimentation and innovation.

In this new communicative environment, a re-evaluation of communication education is required, since it must seek to meet the digital demands of the news media professions (Born 2014). University-based research labs can help companies to train and promote knowledge transfer in the area of communication. The research scope is broadened and diversified around new narratives, professional profiles, the use of sources through social networks, the ethics of informative contrast, or the emergence of clickbait, among other aspects. In short, there are new communicative paradigms that require new synergies between classroom, laboratory and company. How is it possible to approach the academic and professional fields? How do universities adapt to changes in the sector? What can we learn from these

changes and how do we study them? What challenges are there and what answers can be provided from the classroom to the company and back? These and other fundamental questions are addressed in this book which is focused on the open debate across Europe on the training of journalists in a changing technological future. This is a debate related to the very definition of what a journalist is (Fröhlich and Holtz-Bacha 2003), and in recent decades has been revived around innovation and the relationship between the classroom and companies; between ‘research laboratories’ and media professions (Sánchez-García 2016; Gardeström 2017; Deloitte 2017; Wahl-Jorgensen & Hanitzsch 2020).

This debate is inescapable and we wish to tackle it by building bridges between academia and the newsrooms, at a time when innovation is much needed. At the same time, we find it relevant to re-evaluate the extent to which we might have fallen into an excess of technoeuphoria that subtracts from or forgets the humanistic, multidisciplinary and theoretical training that makes up the critical thinking of journalists (Sánchez-García & Marinho 2015).

The training of journalists in this changing environment, while trying not to lose the essence of quality journalism, is a constant concern for European professors and researchers gathered around ECREA’s Temporary Working Group ‘Journalism and Communication Education’¹. This temporary group has turned into an international space for debate on the training of journalists and has fostered debates on such fundamental issues as: new training tendencies in the classroom; experiments with multimedia narratives and tools; training in the humanities and social sciences; new training profiles, such as MOJO, data journalists, specialised journalists, etc.; business models and new experiences; teacher recycling; laboratories at universities and media outlets; ethics and critical thinking; the training of journalists with social consciousness; and innovative pedagogies.

All these broad, multidisciplinary and complex issues have been enriched by an international debate. For this reason, we wanted to go a step further

¹ Available on the website: <https://ecrea.eu/Journalism-and-Communication-Education>

and transform these ideas from an unfinished and exciting debate, setting them down in black and white, sharing collected experiences, doubts, questions and classroom proposals.

This book has three main purposes: 1) to provide an updated portrait of journalism and communication education practices across European universities; 2) to discuss new trends and experiences, while exploring their potentialities and limitations; and 3) to establish the classroom as a much needed space for trial and error. We tackle these goals through contributions from expert researchers, while addressing five fundamental issues for the training of journalists and communication professionals: the teaching/learning of new multimedia narratives, new technological skills, new learning tools, training for critical thinking and the relationship between classroom and business.

Ours is a context in which new tools and platforms are offered to journalists, students and journalism and communication teachers. Yet this is also a challenging environment in which these actors are faced with such trials as the blurring of the boundaries between journalism and other communication subjects and products and the rise of fake-news and disinformation. In such a fast changing environment, classrooms must become spaces for Trial and Error in order to keep up.

We offer an updated overview of research and practice in the field of journalism and communication education, even though it is a non-systematic outline (each chapter describes unique teaching experiences). However, it is also a source of learning tools and experiences for teachers and students. We bring to the table the experience of journalism and communication teachers (the authors), some of whom are also professionals, in an attempt to give voice to the practitioners. Teachers are portrayed as professionals in need of continuous training, resources and tools with which to experiment.

This book is structured in two parts: Part I gathers contributions on the topic of “Changing trends in journalism and communication education: between technology and narrative” and the second Part focuses on “Professional Experiences in Journalism and Communication Education: lessons from

practice”. In Chapter 1, “The challenges of using moving images and still images in the classroom, in research and professionally”, Inês Rebanda Coelho discusses and clarifies legal difficulties when it comes to using images in education and research. Susana Torrado-Morales and Maria Lourdes Martínez-Rodríguez consider “Education and Sound Spaces. Using Podcasts as a Tool for Learning in Communication Studies” and present us with the first results of their collaborative project at the University of Murcia (Spain). Chapter 3 is dedicated to “Considerations on the application of Project-Based Learning as a teaching strategy in the subject ‘Cyber-Journalistic Writing’”, in which Koldobika Meso Ayerdi, Jesus Angel Pérez Dasilva, Terese Mendiguren and Orge Castellano Parra share an experience in cooperative learning at the University of the Basque Country, focused on “real situations”. Finally, in the last chapter of Part I, titled ‘The story first...’: The skills, training and profiles newsrooms demand from journalists Pilar Sánchez-García discusses how to train journalism students to operate in an ever changing digital world by paying attention to the fundamentals, i.e., the story.

Part II starts with a student-run lab experience in Advertising and PR training at the Complutense University of Madrid, shared by Giorgio Marchis & Francisco Muñoz-Romero: The “Development of professional skills in an academic environment: *The Studio Junior Communication Agency*”. In Chapter 6 – “Perro Come Perro (Dog Eat Dog): an academic project that aims to become an innovative media organisation”, Montse Mera, Javier Mayoral, Sonia Parratt and Javier Cabedo describe the learning experience of a meta-journalistic website – a “double dose” of journalism, as they put it – also at the Complutense University of Madrid. Chapter 7 looks at “TV Production in the Classroom – The Challenges of Practical Learning within a Research-Oriented Graduate Programme”, where Charmaine Voigt defends the need for more practical-based classes, through an experience of pragmatic-oriented learning, at Leipzig University. The last Chapter - Reportéres em Construção [REC]: a strategic alliance between students, teachers and journalists -, by Pedro Coelho and Sandra Marinho, addresses the implementation of a national project in Portugal that brings together students, journalists, teachers, universities and media outlets.

This book approaches the classroom as a space of ‘trial and error’ and, therefore, of innovation in the field of journalism and communication education. Teaching and learning experiences are told first-hand by teachers and students. New trends and teaching experiences are described and discussed in a way that enables readers to understand which strategies might work in certain circumstances. By understanding what is actually working, one might be able to adopt and adapt a given approach to one’s specific context. Yet the authors’ accounts also allow us to discover which strategies have failed and why.

In short, the book provides both a review and a debate, while trying to answer these two emergent questions: ‘How are journalists and communication professionals being trained now across Europe, at a moment of communicative transformation?’ and ‘Does the classroom serve as a space for trial and error, in a constantly changing environment?’ The debate does not end here, it must continue.

References

- Born, Stephanie. 2014. “Teaching Social Media Journalism: Challenges and Opportunities for Future Curriculum Design”. *Journalism & Mass Communication Educator*, No. 69(3): 243–255 DOI: 10.1177/1077695814531767
- Deloitte. 2017. *Deloitte Higher Education. Turning insights into outcomes.* [Electronic Assess]/ URL// <http://www2.deloitte.com/content/dam/Deloitte/us/Documents/public-sector/us-higher-education-turning-insights-into-outcomes.pdf>
- Fröhlich, Romy, & Holtz-Bacha, Christina (Eds.). 2003. *Journalism education in Europe and North America. An international comparison.* Creskill: Hampton Press.
- Gardeström, Elin. 2017. “Losing Control”. *Journalism Studies*, No. 18 (4): 511-524. doi:10.1080/1461670X.2015.1073117
- Salaverría, Ramón. 2015. “Labs as a formula for media innovation”. *El profesional de la información*, No. 24 (4): 397-404. <http://dx.doi.org/10.3145/epi.2015.jul.06>
- Sánchez García, Pilar & Marinho, Sandra. 2015. “La enseñanza universitaria encaminada a la especialización y al recorte de

- Humanidades: estudio de caso de la titulación de Periodismo en España y Portugal”, *Riesed*, No. 2 (5): 17-36.
- Sánchez-García, Pilar. 2016. “The effects of the first phase of the EHEA in journalism education in Spain: more specialized and practical training”. *Communication & Society*, No.29 (1): 125-142. DOI: 10.15581/003.29.1.125-1426.
- Terzis, Georgios (ed.). 2009. *European Journalism Education*. Chicago: The University of Chicago Press.
- Wahl-Jorgensen, Karin; Hanitzsch, Thomas. 2020. *The handbook of journalism studies*. New York: Routledge/Taylor & Francis Group.

PART I –

**CHANGING TRENDS IN JOURNALISM
AND COMMUNICATION EDUCATION:
BETWEEN TECHNOLOGY AND NARRATIVE**

CHAPTER ONE

THE CHALLENGES OF USING MOVING IMAGES AND STILL IMAGES IN THE CLASSROOM, IN RESEARCH AND PROFESSIONALLY

INÊS REBANDA COELHO
CATHOLIC UNIVERSITY, PORTUGAL

The aim of this research is to focus on the legal use of audiovisual works and still images from EU countries, in educational, research and professional contexts. Using still and moving images during classes, conferences, public presentations, in books, articles, or thesis, are some of the most common cases where the law is not followed. This lack of knowledge and frequently unintended illegal use can propitiate an improper information transmission to students, teachers, researchers and other professionals such as journalists, regarding the legal use of works. The complexity of the law in the EU countries, their differences and the absence of updates are the source of what is causing the illegal use of works. An extensive study of legal documents and research on the subject has been carried out and, for this project, we chose to set out the analyses of the legal approach of the EU. It was also decided to make this study a theoretical, normative and conceptual review of the legal use and protection of still and moving images.

The main goals of this research reside in displaying the discrepancies of the law in relation both to the academic reality within educational and research environments, and within the industries that were chosen to be portrayed, as well as in clarifying the way a person can legally use a work of still or moving images made by a third party, and how complex it can be in different countries. This is a constantly developing work that aims to expand the legal study to countries outside the European Union and to raise awareness of the

need to update the current legislation and practices for legal protection, as well as the use made of works by third parties.

1. Introduction

For education, still and moving images have unique qualities and characteristics that enhance the learning process in ways that other media cannot provide (Champoux 2007). The same can be said for journalism and the way these media help to report current events. So this chapter analyses the legal use of still and moving images in pedagogical and research, but also professional, contexts (focusing on journalism) within the European Union. It aims to contribute to the understanding of how legal practices function in different countries, regarding journalism, research and communication education, when talking about images. This will hopefully lead to the prevention of illegal acts by the teachers, researchers, journalists and students, and also demonstrate some inadequacies that it would be beneficial for these fields to avoid by updating them to coincide with society's current practices. Some of the potential uses of images created by third parties include their integration in other works, their exhibition, reproduction and distribution.

The legal system responsible for the protection of these two types of image in EU countries is the Author's Rights and Related Rights, as well as the Treaties, Conventions and Harmonisation Directives concerning the said rights (UNESCO 2010). However, it was found that, even with these points in common, each EU country has its own particularities that are causing anomalies, as are the lack of legal updating and the complexity and amount of information required by the users and creators of the works in order to remain within the law.

This chapter is organised on the basis of the numerous steps that one has to take in order to see whether a still or moving image is being used legally. The potential uses of images created by third parties include their integration in other works, their exhibition/display, reproduction and distribution. First, when still images are mentioned, they refer to copies of original photographic works and representations of pre-existing works (e.g., photography of paintings), while the moving images, for the purpose of this

research, are related to all kinds of audiovisual works, whether in their full extent, as an excerpt or even a single frame. The basic knowledge needed to know if a still or moving image is being used legally, and which is presented in this research in the following order, includes: a) how to identify the authors of the work; b) the nationality of the work; c) whether there are other legal figures to consider in this work; d) whether the work used is or contains another one that is in the public domain; e) licences which facilitate the use of the work and if the use in question is part of a policy of free use, fair use or fair dealing. By studying all the necessary steps to be taken, it was possible to expose the consequences which may be caused by the lack of updating and harmonisation of the present legislation in EU countries, or by the lack of approximation to the social reality (either as an artistic creator or as a user) and to the reality of the type of work that is being protected.

The project resorts to the Portuguese national legislation and the Code of Author's Rights and Related Rights (CDADC 2019) as the main example to portray the legal reality of lack of updating that can be perceived in the EU. However, whenever differences have been noted in the legislation of another EU country, they have been mentioned. The legal information corresponding to the Author's Rights and Related Rights of each EU country has mainly been extracted from the WIPO (World Intellectual Property Organization), some in their original language and others from the most recent English version. Please notice that this chapter was written before the implementation of the 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, so the updates related to education and research are not contemplated here.

The aim and innovation of this study, besides being informative as it gives the basis of legal practices, is to raise awareness of the need to update the legislation throughout the European Union. There are few works of research addressing these topics, and the ones that do exist focus on the numerous interpretations and differences between countries. They do not, however, compare or explain how the entire the process works or how complex and outdated the legal approaches can be, as can be seen in the work of Pascal Kamina, Patrícia Akester and Maria Vitória Rocha.

2. Who is the Author?

Works of research into the legal use of still and moving images in the EU within the educational, professional and research contexts are scarce. There are several legal manuals that set out the uses of such works, as can be seen in the works of such authors as Maria Victória Rocha (2015), Patrícia Akester (2013, 2017), Pascal Kamina (2016), Paul Geller (2018), Francisco Rebello (1994), José de Oliveira Ascensão (1992, 2012), Alexandre Pereira (2014) and Alberto Mello (2008), to name only some. However, they are specifically directed towards legal specialists and researchers, being too complex for general users who are not from a legal field. Even though there are several researchers within the Communication and Educational Sciences that show, in different ways, that images are essential tools for education in different contexts and fields; there is a lack of concern about the legality of their uses (Tofur 2018; Champoux 2007, Jhaveri 2011; Whatley 2012, Gonzalez, Graziela, Rozenfeld, et. al. 2015; Triacca 2017). When well-contextualised, images can improve students' analytical skills (Champoux 2007). They guide students through as yet unencountered situations and they can be a tool for presenting life experiences, models, supporting reflection and knowledge acquisition (Tofur 2018). Furthermore, still and moving images are essential within certain professions, as is the case with journalism, helping to capture attention, giving credibility to certain events, and allowing people to identify elements and relate to them (Fondevila-Gascón & Cardona-Pérez 2013, Filho & Ferreira 2012). For these reasons, it was decided that this study should be a theoretical, normative and conceptual review of the legal use and protection of still and moving images adapted to the user, especially within the communication and journalism sectors.

As we have selected the EU countries for this approach, the legal system we analyse is the Author's Rights and Related Rights, as it is the system that governs the EU countries, defending not only the works, but the rights of their authors. The author is the intellectual creator of the work and as such is given two types of rights protected by this legal system: the moral and economic rights (UNESCO 2010).

The moral rights are all those rights related to the paternity of the work. This includes the right to claim the work's paternity and to assure its genuineness and integrity. The moral rights are inalienable, imprescriptible and irrevocable, existing even after the death of the author. In order to guarantee the integrity and genuineness of the work, the author has the legitimacy to oppose any form of deformation, mutilation, modification or destruction. This includes any act that distorts or may affect the honour and reputation of the author. The appropriation of the work's paternity is considered a crime, even with the consent of its author (UNESCO 2010; Rajan 2011; Geller 2018). The economic rights, also known as patrimonial rights, are independent of the moral rights and can be transmitted partially or totally. These allow the author to enjoy and use the work or to authorise others to do so, which includes their dissemination, publication and economic exploitation, in any way provided that is within the limits of the legislation (UNESCO 2010; Geller 2018).

After knowing the rights that the author has, the next step is to ask the question: who is the author of a still image? As stated earlier, the still images that are taken into consideration for this study are the copies of original photographic works or a representation of a pre-existing work as the main object. Whatever the image, it must be legally published to be used by others (moving images included). It must be taken into account that, in a still image, we can have one or more of the following legal figures: a) the person who created the main work (e.g., original photographic work, digitally constructed image, painting, drawing); b) the company behind it (e.g., photography that is not identified in a magazine); c) the author of a derivative work, i.e., the creator of an image inspired or created from another work (e.g., fan made work); d) the creator of a work that integrates another work (e.g., photograph of a painting, sculpture or other work created by others). This implies asking permission from several authors, but who are the authors? This will depend on the type of creation and its context.

While the author of a painting is a painter, the author of a sculpture is the sculptor, among others of a similar nature; the photographer is not always the economic rights holder or even taken into account as the author of the photography he/she created. The "author" can be the employer, regardless of whether it is a collective or a singular person. In some countries, if the

photograph is taken under the auspices of a work contract or by order, it is assumed that the rights owner is the employer or the person that made the order (e.g., Portugal (CDADC 2019)). This is considered a collective work. Such a case is applied when, for example, a photograph found in another work is identified with the name of the company or of another entity that ordered the work (e.g., journal, magazine). However, if within the set of the collective work it is possible to discriminate a personal contribution of one or more collaborators, the legal protection applied will be that defined for a work created in collaboration (CDADC 2019). It is possible to perceive the same legal reality with institutional videos. In some countries, there is no authorship in these situations, just the ownership of economic rights (e.g., Latvia (2014), Estonia (2017)).

What about the authors of moving images? When works of moving images are mentioned within the system of Author's Rights and Related Rights they refer to all audiovisual works (e.g., France (2017), Poland (2010), Czech Republic (2006), Slovenia (2007), Lithuania (2014), etc.) or to cinematic and audiovisual works whose legal defence practices are portrayed in the same way as cinema (e.g., most countries of the EU, such as Latvia (2014), Portugal (CDADC 2019), Hungary (1999), Sweden (2005), Greece (2014), Italy (2017), Finland (2010), Luxembourg (2004), Bulgaria (2011), Germany (2017), Spain (2017), Croatia (2014), Netherlands (2015), etc.) (Coelho 2018). So who are the authors of a work of moving images, considering that all the audiovisual works have the same authors? The answer to this question is: it depends on the country. Each EU country defends its own authors.

For example, nowadays, countries like Portugal (CDADC 2019), Slovakia (2016), Spain (2017) and Italy (2017) adopt the same four authors: the director, the composer of the music created for the work, the author of the dialogues and the screenwriter. There are countries that add other authors to these four, such as the main camera operator (e.g., Croatia (2014), Lithuania (2014), Estonia (2017)); the director of photography (e.g., Slovenia (2007), Poland (2010)); of the pre-existing work (e.g., Belgium (1995) and France (2017)), the artistic director (e.g., Lithuania (2014)) and the production designer (Estonia (2017)). There are also countries in the EU that only consider the director as author (e.g., Greece (2014), Czech Republic

(2006)); others who add the producer to that profession (e.g., Luxembourg (2004) and Cyprus (2006)); those who do not mention the authors in the legislation (e.g., Sweden (2005), Germany (2017), Denmark (2010), Finland (2010), Austria (1998) and Malta (2009)); those who choose the authors according to the artistic contributions that are given specifically in each work (e.g., Croatia (2014), Latvia (2014), Romania (2006), Hungary (1999)); and the countries for whom the author is the one who initiates the work, regardless of whether it is a natural or collective person (e.g., Netherlands (2015), (Coelho 2018)).

There are also countries where, if the film is an animation or has animation parts that are considered significant for the work, other authors are added, normally connected with the art department. These include the production designer or the main animator (e.g., Croatia (2014), Slovenia (2004)). For Bulgaria (2011), for example, the authors are the director, the screenwriter and the camera operator and, if it is an animation, the production designer is also considered. It may be necessary to consult the legislation of the year of the work's publication as the authors and the conditions of protection can be different from the recent ones, and this will include the authors of still images.

The authorisations required for using a third party's work will always depend on the type of use, context and country, as we shall see. For example, the EU countries consider that authorisation and payment for the use of works that are permanently located in public spaces are not required if there is no economic exploitation (EPRS 2018). In the case of moving images, the rights of other works that are inserted in the audiovisual work are secured by the producer or entity that starts the work. Therefore, the user does not need the authorisation of the authors of the represented work, only that of the audiovisual authors and other legal figures, provided that they are presented as belonging to the audiovisual work.

This process requires particular knowledge on the user's part and a certain mastery of legal information, because, as can be seen, not all authors are named by the law and others can be added by contract. The next step is the nationality, which is intertwined with authorship, since it is first necessary

to know the nationality of the work to know who the authors of the works of still and moving images are.

In a work of still and moving images from EU countries, check the following table to know who the author is:

	Film	Institutional Video	Photography, Illustrations, and other original works of the kind	Photography of Other Works or Derivative Works	Journalistic, other institutional and ordered photos
Author(s)	It depends on the country	The company responsible for the work creation	The creator	The creator of the photographed work and the photographer or the entity that ordered the work	The entity that ordered the work, unless the name of the photographer is mentioned

Table 1 - Author(s) of still and moving images

3. The Nationality of the Work

There are some situations in which nationality and authorship are interconnected, that is, to know one we must know the other, in an almost synchronised way. Nationality is an essential factor of knowledge, as this is what will give us the confirmation of who the authors are. In some way, it assigns the authors of the work.

The situation is further complicated in an audiovisual work. Depending on the country, the nationality can be established by the film's authors (taking into account the fact that each country defines its authors) or by the work's main collective entity. However, there are also several audiovisual works that are made in coproduction. It is therefore necessary to be aware of the treaties and/or contracts existing between the countries that have carried out the coproduction (Milla 2011). Audiovisual works sometimes have and/or include information on the work's nationality and/or the owner of the rights in their credits.

As a rule, the nationality of still images is determined by the nationality of the person who conceived the work. For example, a photograph in a newspaper without the photographer's name implies that the authorship of this work is collective, so the author is considered to be the news corporation and its nationality is determined by this fact (Hototian 2011).

In the case of original photographic work, the nationality raises another problem, since it will also determine whether the photographic work created in a specific country is protected or not and by which part of the legal code: the Authors' Rights or Related Rights. This last point will also define the duration of the work's protection (see Chapter 5). Yet, which photographic works are not protected? While there are countries that do not specify types of photography (e.g., Slovakia (2016), Estonia (2017), Romania (2006)), there are others that do, more specifically distinguishing between photography as an artistic work or merely as photography (e.g., Portugal (CDADC 2019), Italy (2017), Hungary (1999)). There are also the cases of countries, such as Spain (2017), which, although they defend the idea of mere photographs, these are still protected by Related Rights; while photographs taken as artistic works are protected by the Author's Rights, which, as we shall see later, has implications in the duration of the work's protection (see Chapter 5).

However, there is another issue related to this situation: How does the legislation differentiate between photographic works of art or what they call mere photographs? Not all countries have this specified in their legislation (e.g., Spain (2017)), but there are others that do (e.g., Portugal (2019), Hungary (1999)). Nevertheless, the explanation remains ambiguous, since they emphasise that the work must convey the idea that it is a personal artistic creation, either by the conditions of execution or by the choice of the object portrayed (Chapter X of Part II of the Hungary Act on Copyright & Article 164.º of Title VIII, Chapter III of Title II of the CDADC).

Nevertheless, even if the photography is not protected by the Author's Rights and Related Rights in certain countries, because it is seen as an object without artistic content, there may be other figures from whom permission must be sought, and this is what we address here.

To find out the nationality of a still or moving image created by or in partnership with an EU country, in order to know which legal act protects the work and to find out who the author is, check the following table:

	Film	Institutional Video	Photography, Illustrations, and other original works of the kind	Photography of Other Works or Derivative Works	Journalistic, other institutional and ordered photos
Nationality	Check the end of the final credits	The nationality of the main company	The nationality of the creator	The nationality of the one who photographs or creates the derivative work	The nationality of the main company

Table 2 - Nationality of still and moving images

4. Other Rights and Legal Figures

In works of still images that represent people, there are some other rights that must be considered, since, in addition to the authorisation of the author, it may be necessary to obtain authorisation from other legal figures. Depending on the context, country and/or the agreement made with the author, when there is a representation of people in still images, it may be necessary to take into account the Image Rights (known as being included in the Personality Rights, also linked to the Right of Publicity). Personality Rights are rights that every human being has and they are related to the control of the use of both his/her image and other aspects connected to his/her identity (e.g., name) (Moskalenko 2015; Synodinou 2014).

It is important to contact the work's authors when they represent people, or works created by others, since they may have a contract or a written authorisation that gives them sufficient authority to allow the type of use someone intends to make, without having to resort to the remaining creators/represented people. Even if they do not have the required authorisations, they can facilitate contact with these figures. If it is not possible to obtain the necessary information about the work use through the

law or all the authorisations through the author, the user may contact any collective management organisation, even from his/her country (e.g., the IGAC- General Institute of Cultural Activities, Portugal).

The Image Rights are normally presented in Civil Law, Criminal Law, the Constitution or the Right of Publicity, depending on the country (Moskalenko 2015). In the Portuguese case, the legal article on Image Rights can be found in the Civil Code and states:

The portrait of a person cannot be displayed, reproduced or released commercially without their consent, this not being required when justified by their notoriety, their position, police or judicial requirements, scientific, educational or cultural purposes, or when the reproduction of the image comes within the scope of public places, or of facts of public interest or that have taken place publicly, unless this is detrimental to the honour, reputation or mere decorum of the person portrayed (n.º 2 of Article 79 of the Civil Code, Portugal).

This means that all the situations outside these conditions require the authorisation of the people portrayed. Although several EU countries adopt the same procedures, some do not (see, for example, Denmark (2010); Greece (2014)).

What about moving images? Do we also have to ask for authorisation from the people portrayed? These rights are normally guaranteed by the producer or the entity that starts the work. Still, there are certain uses that will require authorisation from the people portrayed, but also from other legal figures. There are three figures to consider: the performer, the audiovisual recording producer and the broadcasting organisation. These legal figures are protected by the Related Rights, also known as Neighbouring Rights.

The performers have several rights equivalent to the author's moral and economic rights, which need to be considered, especially when the work is used for profit. This includes, for example, a media change (e.g., a film that is sold to a television station) and for use outside the Free Uses, Fair Uses and Fair Dealing since, if that is the case, authorisation and payment will be necessary. The audiovisual recording producer is the distributor or the entity that performs the same tasks as a distributor, responsible for the work's first fixation. This is a legal figure that leads to some confusion, since its legal

definition is not clear and, in some contexts and terminology used (translated or not), it can easily be mistaken for the film producer (see for example Germany (2017), Italy (2001), Denmark (2016), Slovakia (2016), Lithuania (2014)). The audiovisual recording producer is one of the figures that must be asked for authorisation and/or receive a payment whenever the work is extracted and/or displayed from the copies where they fixed the work (Venâncio 2013).

Lastly, there is the broadcasting organisation that focuses on the broadcasting of the audiovisual work through certain channels and television stations. Do not, however, confuse the audiovisual organisation with the audiovisual recording producer, since there are television stations that are both broadcasting organisations (transmission or retransmission of the work in a given channel), as well as distributors (who fix and distribute the work on physical and/or digital media) (Kamina 2016). In some cases, concerning the use and display of the work, which are not included in licences and legal articles that facilitate the use (e.g., Free Use, Creative Commons, Public Domain), it is necessary to ask for authorisation and/or pay the said entity.

So, the next step of this article is to explain some notions that have been mentioned and facilitate the use of the work, especially in cases linked to pedagogy, research and journalism. To find out who the other legal figures of still and moving images from EU countries are that need to be taken into consideration, check the following table:

	Film	Institutional Video	Photography, Illustrations, and other original works of the kind	Photography of Other Works or Derivative Works	Journalistic, other institutional and ordered photos
Other legal figures	Performers (if the use goes beyond the film's purpose), distributor or broadcasting organisation	Normally everything is secured by the main company	Portrayed people (if there are any)	Portrayed people (if there are any)	Portrayed people (if there are any)

Table 3 – Other Legal Figures of still and moving images

5. Public Domain, Licences, Free Use, Fair Use and Fair Dealing

Once it is known who is or are the authors, the nationality or nationalities of the work and which legal figures may also have rights, it is necessary to know the duration of the rights linked to the intended use of the work. The moral rights last indefinitely, but the same is not true for the economic rights and related rights. So, in this context, if we refer to the duration, we also refer to the notion of public domain.

After the expiration period established by law, it is said that the work fell into the public domain. Its use becomes free (with the only exception being regarding moral rights), that is, it no longer depends on the authorisation of the holder of the respective right and is no longer subject to the payment of any remuneration. In other words, the exclusive economic exploitation that the law reserves to the author in the broadest sense ceases to exist (Rebello 1994, 194).

This means that anyone can exploit the work as they wish, even economically, as long as the moral rights are preserved. But how do we know if the work is in the public domain? Regarding the duration of the protection of still images as non-derivative work, the time varies according to the country and the kind of work. If the still image is a drawing, painting, illustration or other format of the same type, the work falls into the public domain 70 years after the author's death. However, if it is a photographic work, the duration will depend on whether the country in question protects it through the Author's Rights, this being 70 years after the death of the author (e.g., Portugal (CDADC 2019), Belgium (1995), Croatia (2014), France (2017), etc.); or through Related Rights, this being 50 years after the work's publication (e.g., Germany (2017), Austria (1998), Denmark (2010), Finland (2010)). If it is a collective work or an anonymous one that was legally published, the rights expire 70 years after the first licit publication or diffusion (in case there is no publication). However, if it is possible to find out the identity of the person(s) that created the work, the duration of protection becomes identical to any other work that shares the same medium (e.g., Portugal (CDADC 2019), Czech Republic (2006), Latvia (2014), Slovenia (2004), Malta (2009)).

In works of moving images, one must consult the legislation of each country because of the different authors that exist in each one, and because there are countries that take into account more figures than those who obtain the title of co-author in the work (e.g., Netherlands (2015), Greece (2014)). Whatever the scenario, the work falls into the public domain 70 years after the death of the last author or legal figures seen as significant by the country concerned. In an audiovisual work, the Related Rights of performers, the audiovisual recording producer and the broadcasting organisation must be considered in some situations. For any of these three legal figures, the Related Rights last 50 years after the first publication of the work, or emission in the case of a broadcasting organisation, in all the EU countries. This means that, after 50 years, only the author(s) continue to have rights regarding the work (Geller 2018).

Regarding Image Rights and Related Rights, in most countries, they continue even after the death of the portrayed person. After the person's death, their spouse, heir or parents are responsible for giving the needed authorisation if the use is not included in those that do not require consent. However, in Germany, Image Rights protection expires 10 years post-mortem of the portrayed person (Germany 2017). In some countries, like Spain, if there is no legal heir to enforce the protection of the portrayed person's Image Rights, the same cease to exist 80 years after the death of the person (PGDL 2019; Synodinou 2014; Moskalenko 2015; Spain 2017).

It is also important to check if the work has any Creative Commons or Copyleft licence. Creative commons licenses help those involved with a work's creation to maintain their rights, while allowing others to copy, distribute and/or use the work, with or without economic exploitation involved. It will depend on the kind of licence adopted by the creators. The copyleft licences offer users of a work the right to freely use, study, copy, share, distribute and/or modify the original work. Both licences sometimes require certain conditions from the user. For instance, the creator allows modifications of his/her original work under the condition that the new derived work is licensed under the same requirements as the original. This will depend on the degree of freedom that the creator gives to his/her work and the respective licence. In both cases there is a visual identification that indicates what kind of licence it is, either in the place where it is published

or in the work in question (Coelho 2018; Stacey & Pearson 2017; Broussard 2007).

In this chapter, we have already mentioned some Free Use, Fair Use and Fair Dealing conditions, though indirectly. But what exactly are they? There are exceptions in the various EU countries to the rights that the author and other legal figures have over their work. They permit the use of a work without the authorisation of the various legal figures already mentioned and, sometimes, without a compensation payment as well. These exceptions or limitations on the exercise of the Author's Rights in EU countries may be called Free use, Fair use or Fair Dealing. Although Free Use is the most widely used policy in the European Union and is embedded in each country's own Author's Rights and Related Rights legislation, the other two are also found in the EU (e.g., Fair use in Poland (2010), Fair dealing in Cyprus (2006)). While these policies are similar in relation to the use of works for pedagogy and research, in the case of such works as still images, the doctrine of Free Use is much more restrictive than Fair Dealing and Fair Use. For this reason, and since the vast majority of the EU countries are ruled by the Free Use policy, the next section focuses on this policy.

5.1 Free Use and Uses in Professional, Research and Pedagogical Contexts

After acquiring all this knowledge and having a notion of the amount of information needed and why, the concrete uses within the pedagogical, research and professional panorama will now be set out. All the steps portrayed until now are necessary for all kinds of uses in these contexts, even when the authorisation of no legal figures is necessary, or their payment either.

If the work is not in the public domain or has a Creative Common or Copyleft Licence, the user needs to know if the desired use is part of the Free Use, Fair Dealing or Fair Use policy. There are some uses in pedagogical and research contexts that fall within these policies, if they do not jeopardize the normal exploitation of the work, or cause unjustified harm to the legitimate interests of the author. However, any other economically exploited use (e.g., professional) is not included in these

policies of facilitated use, which means the authorisation of the author, of other legal figures (performers, the audiovisual recording producer and/or the broadcasting organisation) is required, as well as the payment of a compensation. This is what normally happens in any professional context, regardless of the country and whether or not they are for profit, except in journalism.¹

When talking about Free Use (and even Fair Dealing and Fair Use), it is also necessary to separate still images from moving images, keeping in mind each particular use and the work's country. Any still image is a complete and closed work, that is, you cannot take parts as in works with moving images. As such, many EU countries make it difficult to use this type of work, even in certain cases of Free Use, Fair Use or Fair Dealing.² For example, in Portuguese legislation (CDADC 2019), the closest we get to mentioning the Free Use of a still image would be the "inclusion of a short piece (...) into one's own works intended for teaching". Since a poem can be considered a short piece, the same should apply to a photograph, taking into account its nature. Nevertheless, although this Free Use does not require the authorisation of the author, it does require remuneration ((h) Article 75 of Chapter II of Title II of the CDADC). The same is true in other countries, such as Germany (2017), where they talk about small and limited parts of the work and small works. However, they refer to equitable payments (see Section 52a). However, in both cases, the legislation of these countries leaves an open interpretation. There are also countries like Estonia (2017) that show the same ambiguity, when they say that the use of a lawfully published work is allowed without payment or authorisation "for the purpose of illustration for teaching and scientific research to the extent

¹ The only profession that stands out in the Free Use of several EU countries is that of journalist, in which, if the use of the work has the purpose of reporting current events, neither the author's permission nor payment are necessary. There are some countries that include in their legislation the use of still images, provided that their presentation is to the extent justified by such information purposes (e.g., Belgium (1995), Spain (2017), Estonia (2017), etc.).

² "In certain cases of exceptions or limitations, rights holders should receive fair compensation to compensate them adequately for the use made of their protected works or other subject-matter" ((35) Article 251 of the Treaty 3 of Directive 2001/29 / EC of the European Parliament and of the Council).

justified for the purpose and on the condition that such use is not carried out for commercial purposes” (Article 19 of Chapter IV of Estonia’s Copyright Act (2017)). If this happens in an art class, showing a photograph of a painting to illustrate an artistic movement, for example, could be considered use within the extent justified for the purpose.

Nevertheless, it is possible to find countries within the EU that facilitate the use of works of still images in educational and research contexts without the permission of their authors and sometimes without payment in a clearer way. The Free Use of still image works, when it exists, is limited to reproduction (i.e., copying) and communication. Consider the cases of Germany (2017), Belgium (1995), Slovenia (2007), Slovakia (2016), Greece (2014) and Bulgaria (2011), which allow the reproduction and communication of a still image work for educational purposes in their establishments, without requiring authorisations or payment if there is no economic interest involved, and if it is addressed to a restricted audience. The Czech Republic (2006) considers that the Author’s Rights are not infringed when the works are used in an educational establishment for teaching purposes or to meet internal needs, such as somehow being included in the process of a student’s creation as a part of an assignment, if there is no direct or indirect economic exploitation; while in research we have, in the same scenario, the example of such countries as Spain (2017) (it is the same for educational purposes). A similar situation can be perceived in Latvia (2014), Denmark (2010) (which also includes critics’ presentations) and Sweden (2005). On the other hand, Hungary (1999) and Italy (2001) authorise the use of pictures of a fine art, architecture, applied art or industrial creation, as well as artistic photographs, without the author’s permission, but by paying a compensation.

Material used in presentations which serve scientific purposes or are part of a school curriculum are considered private in some countries such as the Netherlands (2015) and Austria (1998), which means that authorisation and payment are not required if there is no commercial purpose behind it. However, for distribution, reproduction and publication in pedagogical and research contexts, both countries require the payment of the authors through a collective management organisation. In Finland (2010), a work of any