



ՀԱՅԱՍՏԱՆԻ ԶԱՆԳՎԱԾՆԻԿԻ լրատվության միջոցների էթիկայի
ԳԻՏՈՐԳ ՄԱՐՄԻՆ

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**EXPERT JUDGMENT OF
MEDIA ETHICS OBSERVATORY
ON THE COMPLAINT BY ASTGHİK KESHISHYAN
AGAINST TERT.AM**

Astghik Keshishyan, student and correspondent of 17.am youth portal, filed a complaint to Media Ethics Observatory against Tert.am online media.

According to the author of the complaint, on November 7, 2017, she published her photo taken at the student strike on her Facebook page entitling it “Going Round the Faculties”. The photo was later used by Tert.am without coming to an agreement with her and without any reference. The photo was further published on other websites as Tert.am photo.

A. Facts

1. On November 7, 2017 Astghik Keshishyan, who participated in the strike and the rally of Yerevan State University students, took a photo and published it on [her Facebook page](#) entitling it “Going Round the Faculties” and putting the following hashtags: [#միացիր!](#) [#տարկետումիներուԱ!](#)
2. On the same day [Tert.am used that photo](#) in a piece on the student strike without any reference.
3. In response to the MEO request the Editor-in-Chief of Tert.am acknowledged their negligence and on December 7, 2017, the same day the request was received, added reference to the photo: “Photo from Astghik Keshishyan’s Facebook page”.

B. Legislative and Ethical Norms

I. RA Law “On Copyright and Related Rights”

Article 3. Subject Matters of Copyright

1. Subject matters of copyright shall be the unique outcome of a creative activity in the domain of science, literature and art (hereinafter referred to as “works”) created individually or jointly, which are expressed in spoken,

written or any other objectively perceivable manner, including permanently or temporarily storage in electronic form, regardless of the scope, significance, merits and purpose of creation.

(...)

4. Subject matters of copyright are:

(...)

h) photographic works and works created by analogous modes, which comply with the provisions of paragraph (1) of this Article.

Article 22. Free Use of a Work

1. Free use of a work shall mean the use of a work without the consent of the author and without remuneration, however with the obligatory mention of the author's name and the origin of the work, which does not prejudice the normal exploitation of the work and legitimate interests of the author to his work.

(...)

2. The following free uses shall be permitted:

(...)

e) the reproduction and public communication of the literary and artistic works seen or heard in the course of the events for the purpose of reporting on current events by means of photography, cinematography, broadcasting, to the extent justified by the purpose of information.

II. Code of Ethics of Armenian Media and Journalists

Principle 2. Integrity in Relations with Sources of Information:

This principle entails the following obligations for editors and journalists:

(...)

2.4. To respect the copyright, to preclude plagiarism, and to mention the sources whenever quoting or reprinting.

C. Conclusion

1. Media Ethics Observatory:

- taking into consideration that Facebook social network is a public space and every user, as mentioned in the terms of the network, regulates him/herself the level of access to his/her posts on that space;

- highlighting that the photo being subject to copyright could be freely used with a reference to the author and the origin of the work;

- referring to the requirement of mentioning the sources whenever reprinting stipulated by Principle 2 of the Code of Ethics of Armenian Media and Journalists,

notes that in this specific case Tert.am has displayed negligence by not mentioning the name of the author and the origin of the work.

2. Based on the fact that the editorial staff of Tert.am after the request of MEO acknowledged their negligence and eliminated it adding under the photo the note "Photo from Astghik Keshishyan's Facebook page" MEO finds that the dispute thus can be considered to be solved.

3. MEO urges the media:

- in such cases to be guided by Article 22 of the RA Law “On Copyright and Related Rights” and the requirements of the Point 2.4 of the Code of Ethics of Armenian Media and Journalists. In case the editorial staff finds negligence itself or is notified about it by someone else, to eliminate it immediately;
- to remember that nowadays, in the era of digital and interactive opportunities, the society is a direct participant of dissemination of information, and the media are interested in such engagement;
- to encourage civic engagement and respect the people providing materials to the media by mentioning their names and in case of using open sources, ask the permission of the latter.

4. MEO advises those users of social networks, who consider their posts, photos and other materials as copyrighted works, to mention their demands regarding their usage, at the same time taking into account that on social networks any post, photo or video available to unlimited number of people can be freely used.

***Adopted at the December 13, 2017 MEO session
In the following composition:***

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[Media Ethics Observatory](#) was established by the media, joining the self-regulation initiative, which make 46 as of today. In its judgments MEO is guided by Code of Ethics of Armenian Media and Journalists, adopted at the self-regulation body’s meeting on March 10, 2007, and revised on May 16, 2015