



**ՀԱՅԱՍՏԱՆԻ ԶԱՆԳՎԱԾՍՆԻՆ ԼՐԱՏՎՈՐԻՅԱՆ ՄԻԳՐԱՆԵՐԻ ԷԹԻԿՍԻ  
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**EXPERT OPINION OF MEDIA ETHICS OBSERVATORY**

Regarding Photolure News Agency Director Melik Baghdasaryan's complaint about multiple uses of Photolure products by various media, neglecting the copyright considerations

**within the case of “Melik Baghdasaryan v. Multiple Entities”**

**A. FACTS**

1. On December 16, 2023, Melik Baghdasaryan, Director of Photolure News Agency, appealed to Media Ethics Observatory, stating that a number of media (Armday.am; Freenews.am; Analitik.am; Hayeli.am; Noyantapan.am; Civic.am; Mediahub.am), had been using the photos of the agency during 2022-2023, without restrictions (at no cost), frequently removing the agency's logo, despite not being subscribers of Photolure. The complainant sought an evaluation to this conduct and requested the violations to be referred to the Information Disputes Council for examination.
2. Upon receiving M. Baghdasaryan's complaint, on December 17, 2023, MEO sent letters to the heads of the cited media, seeking clarification from them, and collecting additional information from the complainant. Baghdasaryan informed that despite several warnings issued by him to the mentioned media regarding the violations and requests for proper usage of the photos of the agency, no corrective action was taken. According to the complainant, he even filed a lawsuit on the issue against “Noyan Tapan” agency, and although “FreeNews” at some point signed a contract with Photolure for photo usage, it was annulled after two weeks. Baghdasaryan added that despite assurances from many of the mentioned media entities to refrain from further copyright violations following the warning, they reneged on their promises.
3. **An examination of the links provided by Melik Baghdasaryan shows that:**
  - a) In 3 out of 5 links from Armday.am, Photolure watermarks are visible, while in 2 links, they are absent (they were cut off).
  - b) None of the 5 links from FreeNews.am contains the “Photolure” logo.
  - c) Among the links from Analitik.am, 3 out of 5 photos lack a logo, while 2 have it included.
  - d) All five links from Hayeli.am do not have logos.
  - e) All 5 links from Civic.am clearly display the Photolure watermark.

- f) None of the 5 links from Mediahub.am include a watermark on the photo.
- g) “Noyan Tapan” has 9 links, with 5 leading to articles on the NT website and 4 to PDF versions of “Noyan Tapan” weekly. The latter contain numerous images, most of which lack any mention of the author, such as a watermark or accompanying text. Overall, only 5 photos with the “Photolure” watermark are found in all the quoted materials from “Noyan Tapan”.
4. The complainant emphasized that he not only demanded proper attribution to “Photolure” when using the photos but also insisted on signing a contract with the agency and paying for the service.
  5. In response to MEO’s inquiry, Hayeli.am news club claimed that the issue arose due to a misunderstanding, stating that the photos were taken from Google search engine, where the Photolure logo was already missing. However, Melik Baghdasaryan countered this argument, by providing a number of links, demonstrating that the logo was present in the Photolure photos used in Hayeli.am pieces (for example, [here](#), [here](#) and [here](#)). Therefore, it became evident that the media’s reasonings were not valid. The other media mentioned in the complaint did not respond to MEO’s inquiries. According to Baghdasaryan, in all mentioned media the violations were far more extensive than those outlined in his complaint.
  6. The Information Disputes Council, at the request of the complainant, reviewed the appeal and released a [judgment](#).

## **B. LEGISLATIVE AND ETHICAL NORMS**

### **I. RA LAW ON COPYRIGHT AND RELATED RIGHTS**

**Article 3, Paragraph 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.

**Article 3, Paragraph 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 9, Paragraph 1.** Copyright in a work emanates by the fact of creation of a work. The work shall be considered created if it is expressed in an objectively perceivable form and does not depend on the official acknowledgement of that right, registration of the work and observance of any other formalities.

**Article 13, Paragraph 1.** Economic rights provide the economic interests of the author giving the author an exclusive right to authorize or to prohibit the use of his/her work or copies thereof. The author has an exclusive right to use his/her work in any mode and form, as well as to authorize or prohibit third parties to use his/her work.

### **II. [Code of Ethics of Armenian Media and Journalists](#)**

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

### III. MEO Regulations

4.9. After examining the complaints regarding the publications of non-member media of the Self-Regulation Initiative, MEO adopts and releases expert opinions or statements.

#### C. MEO EXPERT OPINION

Media Ethics Observatory:

- having examined the complaint of Photolure News Agency against Armday.am; Freenews.am; Analytic.am; Hayeli.am; Noyantapan.am; Civic.am; Mediahub.am,
- taking into account the RA legislation and ethical norms of media activity,
- familiarizing with the [judgment](#) of the Information Disputes Council on the issue,

states:

1. Media utilizing copyrighted photos must respect the rights of the author, “Photolure” in this case. This includes obtaining permission prior to usage, subscribing to their services, publishing the images without distortion and providing financial compensation under terms agreed with the author.
2. In each of the cases highlighted in Melik Baghdasaryan's complaint, the mentioned media breached the requirements of the RA copyright legislation, as well as the relevant norms of the Code of Ethics. Furthermore, some of the photos were published in a distorted manner, with copyright watermarks removed.
3. The clarification by Hayeli.am, stating that the photos were sourced from a search engine with pre-existing removed watermarks, lacks merit, as obtaining images from the Internet does not negate their copyright status. Added to that, there are other photos on Hayeli.am bearing the Photolure logo, which were also utilized in violation of copyright.
4. Since both Melik Baghdasaryan and Photolure have repeatedly raised the issue of copyright violation, and the media engage in the use of photos on a daily basis, they should be well-versed in the legal and ethical rules of their utilization and adhere to them. This is particularly important as media entities derive or seek to derive profit from their news coverage, advertisements, and subscriptions.

The practice of dissemination of media content - photos, videos and text materials in Armenia demonstrates the prevalence of copyright infringement cases. Therefore, MEO urges to adhere to the RA legislation on reproduction of news and norms of journalistic ethics. In particular, we call upon the media mentioned in Melik Baghdasaryan's complaint to circulate this expert opinion and abandon the practice of further using “Photolure” images without proper attribution and compensation, by forming appropriate contractual relations with the agency, thereby minimizing the need for legal recourse. However, if the aforementioned media fail to resolve the issue within a reasonable period of time, “Photolure” is free to pursue legal action to protect its rights.

**Adopted on February 14, 2024  
by the following MEO composition:**

**Gnel NALBANDYAN**, Chief Editor of “Newmag” Publishing House  
**Boris NAVASARDIAN**, Honorary President of Yerevan Press Club  
**Davit ALAVERDYAN**, Chief Editor of “Mediamax” news agency  
**Vigen SARGSYAN**, Chairman of the Commission on Professional Ethics  
of Yerevan Press Club  
**Karineh HARUTYUNYAN**, Executive Director of Gyumri “GALA” TV  
Company  
**Ara GHAZARYAN**, Lawyer  
**Ashot MELIKYAN**, Chairman of Committee to Protect Freedom of  
Expression  
**Anzhela STEPANYAN**, Editor of Armavir “Alt” TV Company  
**Nouneh SARKISSIAN**, Managing Director of Media Initiatives Center

*[Media Ethics Observatory](#) was established by the media, joining the self-regulation initiative, which make 76 as of today. In its judgments MEO is guided by the Code of Ethics of Armenian Media and Journalists, adopted on March 10, 2007 and revised at the June 25, 2023 general meeting of the media that joined the self-regulation initiative.*