



**ՀԱՅԱՍՏԱՆԻ ԶԱՆԳԱՍՏԱՆԻԿԱՆ լՐԱՏՎՈՐԺՈՒՄԱՆ ՄԻԳՐԱՆԵՐԻ ԷԹԻԿՍԵՐԻ
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**EXPERT JUDGMENT
OF MEDIA ETHICS OBSERVATORY
ON COMPLAINT BY FREELANCE PHOTOJOURNALIST
GERMAN AVAGYAN
AGAINST BLOGNEWS.AM WEBSITE**

Freelance photojournalist German Avagyan appealed to Media Ethics Observatory (MEO) with a complaint on Blognews.am website which published Avagyan's photos on its Facebook page without proper referencing. German Avagyan said that he has tried to contact the management of the website to express his discontent and demand to remove the photos, however the attempts were unsuccessful.

Media Ethics Observatory studied the case and came to the following conclusion:

1. On September 14, 2015 the Facebook page of Blognews.am (<https://www.facebook.com/blognews.am/photos/a.349665788394787.104732.345784302116269/1157319774296047/?type=3>) published pictures by photojournalist German Avagyan without the name of the author and links to the original source. Also, according to the photojournalist, there has been a technical intervention on the photographs. As of September 24, the publication had over 7,500 likes, 494 shares and more than 120 comments.
2. According to Paragraph H of the Clause 4 of Article 3 of the RA Law "On Copyright and Related Rights", "photographic works and works created by analogous modes" are subject to copyright if they comply with the provisions of Clause 1 of the Article 3, i.e. are "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 permanent or temporary storage in electronic form, regardless of the scope, significance, merits and purpose of creation".
3. The images are the result of the creative work of freelance photojournalist German Avagyan. The author has spent time and money to produce the photographs which were later presented at exhibitions and have been published on the author's personal blog (<http://www.hermanavakian.com/#a=0&at=0&mi=2&pt=1&pi=10000&s=0&p=4>) under the headline "Born after Death".

4. Clause 2 of the Article 3 of the RA Law “On Mass Communication” in addition to print and broadcast media, also provides the concept of online media as “an information resource with certain address that is available for unlimited number of people and contains information, regardless of the frequency of updates, the period of storage, and other criteria”. According to this provision, Blognews.am is a mass media, and its Facebook page is a promotion tool of that mass media in the market.

5. The publication on the Facebook page of Blognews.am does not comply with any of the provisions of the Article 22 of the RA Law “On Copyright and Related Rights” (“Free use of work”). Therefore, this publication violates the copyright and lawful interests of German Avagyan.

6. Clause 2.4 of the Code of Ethics of Armenian Media and Journalists obliges to “respect the copyright, to preclude plagiarism, and to mention the sources whenever quoting or reprinting”. Publication on the Facebook page of Blognews.am also does not comply with this ethical norm and, therefore, violates not only the law, but also the ethical standards.

***Adopted at the MEO session of September 24, 2015,
In the following composition:***

Gegham BAGHDASARIAN, Chief Editor of “Analyticon” magazine

Ara GHAZARIAN, Lawyer

Mesrop HARUTYUNIAN, Media Expert

Mesrop MOVSESIAN, Director of “A1+” TV company

Boris NAVASARDIAN, President of Yerevan Press Club

Nouneh SARKISSIAN, Managing Director of Media Initiatives Center

Gegham VARDANIAN, Producer of Media.am

[Media Ethics Observatory](#) was established by the media, joining the self-regulation initiative, which make 39 as of today. In its judgments MEO is guided by Code of Conduct of Media Representatives, adopted at the self-regulation body’s meeting on March 10, 2007.