

**REGULATIONS FOR THE SUPPLY AND AUTHORISATION
OF PHOTOGRAPHIC REPRODUCTIONS
AND THEIR USE FOR PROFIT**

(articles 106 et seq. of Legislative Decree no. 42/2004 and subsequent amendments)

Art. 1

Object

- 1) These regulations deal with:
 - a) the supply of photographic reproductions in the possession of the Istituto Vittoriano e Palazzo Venezia, as well as the Biblioteca di Archeologia e Storia dell'Arte, including those preserved in the Photographic Archive of the Institute (hereinafter also "VIVE");
 - b) authorisation to use the photographic reproductions supplied by VIVE, as well as those already in the possession of the applicant;
 - c) authorisation for the taking of photographs and their use for profit of the interior and exterior of the premises assigned to VIVE and/or related collections.
- 2) In any case, the following activities are free, and therefore do not require any authorisation, provided that they are not performed for profit, even indirectly, but used purposes of study, research, free expression of thought or creative expression, and promotion of a knowledge of the cultural heritage:
 - a) the reproduction of cultural assets performed in a way that does not involve any physical contact with the asset or the exposure of the same to light sources or the use of stands or tripods;
 - b) the dissemination by any means of images of cultural assets, legitimately acquired, so that they cannot be further reproduced by the user except, where possible, in low digital resolution.
- 3) Reproductions of cultural assets made by journalists in the exercise of the right to report are also free of charge, and therefore do not require authorisation.

Art. 2

Application for the supply of photographic reproductions in the Photographic Archive and authorisation to use them for profit

- 1) Applications for the supply of photographic reproductions from the VIVE Photographic Archive must be submitted by filling out the appropriate form (**Annex 1**).

- 2) The application must be sent at least 30 (thirty) days before the date on which you wish to receive a copy of the photograph and obtain the consequent authorisation for use.
- 3) All the data that appear in the application will be used for VIVE's institutional purposes and processed in accordance with the General Data Protection Regulation (GDPR) approved with the Regulation of confidentiality and fundamental rights within the time limits necessary for the issue of the concession in use of the spaces (EU) 2016/679, in keeping with the principles of correctness, lawfulness, transparency and protection.

Art. 3

Application for authorisation to use photographic reproductions already in the applicant's possession for profit

- 1) The application for authorisation to use photographic reproductions already in the applicant's possession for profit must be submitted by filling out the appropriate form.
- 2) The application must be made at least 30 (thirty) days before the date on which you wish to receive authorisation.
- 3) All the data that appear in the application will be used for VIVE's institutional purposes and processed in accordance with the General Data Protection Regulation (GDPR) approved by Regulation (EU) 2016/679, in keeping with the principles of correctness, lawfulness, transparency and protection of confidentiality and fundamental rights within the limits necessary to issue the agreement of concession in use of the spaces.

Art. 4

Application for authorisation to take and use photographic reproductions for profit

- 1) The application for authorisation to take and use for profit photographic reproductions of the interior and exterior of the premises assigned to VIVE and related collections must be submitted by filling out the appropriate form.
- 2) The application must be made at least 30 (thirty) days before the date on which it is desired to receive the authorisation to take and use the photographs.
- 3) All the data that appear in the application will be used for VIVE's institutional purposes and processed in accordance with the GDPR - General Data Protection Regulation approved by Regulation (EU) 2016/679, in keeping with the principles of correctness, lawfulness, transparency and protection of confidentiality and fundamental rights within the limits of what is necessary for the issuing of the agreement of concession in use of the spaces.

Art. 5

Fee and service charge

- 1) The applicant is required to pay a fee.
- 2) The applicant is also required to pay a service charge, namely the cost incurred by VIVE to perform the reproduction referred to in Art. 2 of these Regulations.
- 3) No fee is due for reproductions requested by private individuals for personal use or for study purposes, or by public or private organisations for the purpose of valorising the cultural heritage, provided this is done on a non-profit basis. The applicant is in any case obliged to reimburse the expenses incurred by VIVE.
- 4) The fee and the service charge must be paid in advance by bank transfer to the current account indicated in the authorisation.
- 5) Payments of the amounts referred to in points 1 and 2 of this Article must be received by VIVE net of all bank charges or commissions.
- 6) In the case of a high number of reproductions, the possibility of applying a flat rate will be considered.
- 7) In the case of publications or multimedia products of a scholarly nature or of significant effects of enhancement of the value of the cultural heritage, the fee may be reduced until it is free of charge.

Art. 6

Terms of use for photographic reproductions

- 1) The authorisation gives the right to use the photographic reproductions on a non-exclusive basis and once only.
- 2) The authorisation may not be transferred or ceded to third parties.
- 3) Uses of the reproduction other than those authorised must be subject to further authorisation.
- 4) The photographic reproduction must bear the statement: “*With authorisation of the Ministry of Culture – Istituto VIVE - Vittoriano e Palazzo Venezia*”.
- 5) The applicant is required to deliver from 1 to 5 copies of the publication in which the image is reproduced, as indicated in the authorisation supplied by VIVE. In the case of publications in periodicals, the excerpt should be sent in digital format.

Art. 7

Conditions for authorisation to take photographs

- 1) Permission is not granted in cases where it is considered that the taking of the photograph involves a risk to the protection of the property and/or compromises in some way VIVE’s image.

- 2) It is also understood that if the applicant makes an improper use, or in any case a use different from the application that is the object of authorisation of the photographic reproductions, VIVE reserves all rights and/or actions to protection its image.
- 3) The timing and methods of taking the photographs must be agreed with VIVE.
- 4) An applicant who intends to take the photographs outside the ordinary hours of opening will have to bear the extra costs for the use of ministerial staff on behalf of third parties.
- 5) The payment of the charges for the use of ministerial staff on behalf of third parties must be paid in advance and to a separate current account indicated in the authorisation.
- 6) The payment of the amount relating to the charges for the use of ministerial staff on behalf of third parties must be received by VIVE net of all bank charges or commissions.

Art. 8
Entry into force

- 1) This regulation shall enter into force as of its publication on VIVE's institutional website.

The Director General
Dr. Edith Gabrielli