

***Recent Supreme Court decision condemning the infringement of the copyrights of a photographer.***

Last December 13<sup>th</sup>, 2005 the Venezuelan Supreme Court ruled a decision condemning the National Museum of Science to the payment of damages to a photographer, based on the infringement of his economical and moral rights, by means of the non authorized use of his photographs.

The lawsuit emerged since the Science Museum, after a verbal agreement with the photographer for the utilization of 150 photos for a period of one year in a traveling exhibition of Venezuela's landscapes in Venezuela and France, and they used them for almost three years and without making any payment to the author, configuring a Copyright infringement.

The author also claimed the violation to his moral right of authorship as well as the right to protect the integrity of the work, since the photos were modified in order to be included in a brochure without his consent. In addition, the name of the author was not mentioned with the photography's neither in the exhibition nor in the brochures, but in the general credits and acknowledgements of the exposition, which was considered by the Court as an infringement of the right of authorship.

The decision of the Supreme Court condemned the National Science Museum to pay the correspondent amount of money that they should have paid for the utilization of the photos, along with an indemnity for the infringement of the moral rights. In addition the Court also ordered the publication of the decision both in the web site of the museum and in a larger circulation newspaper.

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