

The Netherlands: Photo on YouTube Channel, Court of Appeal of 's Hertogenbosch, ECLI:NL:GHSHE:2014:284, IEF 11605 and ECLI:NL:GHSHE:2014:2524, IEF 14082, 29 July 2014

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This case in the Court of Appeal of 's-Hertogenbosch concerned the use of a photograph of a photo model by two rappers in one of their music videos. The video was uploaded to YouTube after which it was disseminated via their own website's homepage and their YouTube Channel. Although the rappers were authorised to do so by the photo model in question, they did not have the consent of the photographer, i.e. the rightholder. Consequently, the photographer brought suit against the two rappers on the basis of copyright infringement.

In order to estimate her damages, the photographer provided the Court with an indicative rates list for photography assignments. Although the Court found the list was incomplete and the source and status of the document were unclear, it ended up using the list to assess damages anyway. The Court also attempted to offer objective measures to calculate damages in online photography copyright infringement cases.

A [full summary](#) of this case has been published on [Kluwer IP Law](#)