

„The Misbelief about Group Pictures“

When several people are ‘immortalized’ in group pictures, consents are no more required. Whoever thinks this way, should continue to read.

Today we want to deal in a short article with the misbelief that in general for group pictures with three, six, seven, eight, nine, 15 or 20 persons (or whatever other numbers are being talked about), consents by the pictured persons are not required.

Let’s take a fictive example and discuss with friends:

During ski holidays you are sitting in front of the hut, watching winter sports enthusiasts, and you see a group of about 20 people, having fun snowboarding in swimsuits. Right away you think: I will have to show these foolish guys to my friends, nobody will believe me. You take your mobile phone and, right at the moment when the snowboarders pass down the ski run in front of you, you take pictures/record a video. Posted right away into the social network so everybody will enjoy.

LET’S COME TO THE “SOLUTION”:

It is so astonishing and fascinating how stubbornly the belief is kept that for group photos a consent is not required. At least a few people

think: no problem at all. We were in a group of several people, fact. If it had been one single person, it might have been a problem. But when there are that many people, I definitely do not need a consent.

This may be true, but not necessarily. But let’s note this: the example cannot be judged that clearly, as both could be valid.

To once clarify this: as long as there is no legal exception, pictures of persons can be disseminated with their consents only. In principle this is also valid for group pictures, that a consent by each single person is needed if the purpose of the picture is the group as such. For pictures with minors, in addition to the consent by the minors, the consent by the legal substitute is also required.

Just because a person is being photographed together with several other persons, does not mean that this person renounces its “right to wthe own picture”.

Therefore each person of the group may demand the handing over of the picture material (§§ 1004 paragraph 1 p. 2 BGB, similar to §§ 823 paragraph 1, 249 P 1 BGB), destruction of the pictures according to §§ 37,38 KUG or even claim damages indemnification.



BUT WHERE DOES THIS MISBELIEF COME FROM? ?

The belief that for group pictures consents are not required may probably be traced back to the exceptions in § 23 KUG. Here are the cases when pictures can be made and disseminated without the prior consent by the photographed persons.

For our case, especially paragraph I nr 2 and 3 must be mentioned:

2. The photographed persons appear as accessory only of a landscape or location

3. The picture shows meetings, corteges or similar events the photographed person attended.

However, these exceptions can only be considered when in fact one did not want to photograph this particular group, but something totally different (e.g. a place where the group stands) and the group of people "just happened to be there". During meetings and events, respectively other cases shown in nr 3, one does not want to show the people, but the event as such. Yet, care must be taken not to "point people out of the group". As soon as certain persons are particularly pointed out or set into the foreground of the picture, this can already constitute an infringement. This is justified by the assumption that the people are the purpose of the picture and the motive is not the event itself.

And, even if these exceptions do apply, there are still the restrictions as to § 23 paragraph 2 KUG.

Among others – it could be that, when people realise that they are being photographed, they look into the camera smiling or even posing. Then this can be concluded as an implicit consent (also see LG Münster, judgment dated 24th March 2004).

CONCLUSION

So, when you want to photograph a group, it must be noted that these pictures must not be disseminated nor published without the consent by each separate photographed person. Even if in case of doubt, it means to have to obtain 20 or more consents. Because in case of emergency one has to prove that that consents had been sought, it is conform to one of the four exceptions of § 23 KUG, or even other relative exceptions might apply.

Notice: Paragraphs (§§) are excerpts from the German Laws.

§§





„ADA BOJANA – Forgotten Paradise“

All over the World there is are a lot of places with a great nature and isolated position, what is the main condition for naturist life style. Many of those places were top summer locations for locals from the ancient times to present days. During the 60's, 70's and 80's those places were very popular holiday destinations for open minded people from all over the World. Then came 90's with war and its destructions. Unfortunately, those beautiful places were not an exception – destructions had many influents on them on one or another way.

One of those places definitely is Ada Bojana. This is an island (The name Ada means Island in Turkish) located to the south of the State of Montenegro, about 20 km from the nearest city.

The island is created by a river delta of the Bojana River. It was formed by gathering river sand around a ship sunk at the mouth of Bojana River.



Island Ada Bojana today and location of the resort

The island is of triangular shape, bordered from two sides by the Bojana River, and by the Adriatic Sea from the south-west. It has an area of 4.8 square km.

It is still a popular tourist destination, with a three kilometres (two miles) long sandy beach with traditional seafood restaurants. Ada Bojana is now one of the premier kitesurfing and windsurfing locations on the Adriatic Coast with strong cross onshore winds during summer afternoons.

First naturists came here in 1972 accommodated in 83 four apartments' houses with excellent view to the sea. All this area in those times was a part of Yugoslavia, power state with a great international image, which bring a brought golden times for this resort - during 70's and 80's each summer was a temporally home for more than 30.000 naturist from all over the World.



Picture 2. Close look to the resort from the air

Of course, the resort grew up and in the end of the 80's there was capacity of more than 600 beds and large camp area which was full up with campers (in fact, majority of guests were in the camp area). There was also a powerful generator which provided electric power for the resort in case of need.

During the 90's the war and destructions of Yugoslavia brought bad days for the resort. There wasn't directly destruction from combat operations but low number of guests and low maintains maintenance funds have done its their job and this area became a truly forgotten paradise.

From Since the beginning of new millennium the resort managed to rebuild its own image again. Of course, that was not an easy process – it is still going on, but significant changes are clearly visible especially in present days. Now there are a lot of guests from the EU, but also from all areas of former Yugoslavia.

Events August

- 21.07. - 03.08.: ENY Summermeeting 2016
- 06.08. - 13.08.: Naturist Cruise Adriatic Sea
- 13.08.: The Day of the Lake
- 20.08.: Shooting Star Googeling Party

Events September

- 02.09. - 04.09.: INF-BN-Pétanque Tournament
- 16.09. - 24.09.: FEN-Southern Family Meeting
- 17.09. - 18.09.: Closing Weekend Hungary

Internet is now available in every room (free Wi-Fi in the receptions area), optional massage, horse riding, kitesurfing, windsurfing and also free sport fields for tennis and beach-volleyball.

Naturist beach of the resort is now 2 km long and it is clean, with showers and beach chairs. You can be naked in all the area of resort except in the main building where is the reception and the restaurant are and in the area marked with a clear sign.



The legend says that there is the most beautiful sunset on the World



Tennis field in the resort



The resort beach - look from the air

And there is another restaurant in the middle of the naturist beach where you can be naked all the time.

Unfortunately, this still isn't an official INF-FNI resort, but Naturist organization of Serbia (NOS) is constantly trying to fix this up. These days NOS performs the promotion of INF-FNI benefits all over the resort area. Also, there will be some meetings with the management of resort and officials of NOS with major theme how to establish strong cooperation with the INF-FNI.



The view from the terrace



Picture 7. The resort beach

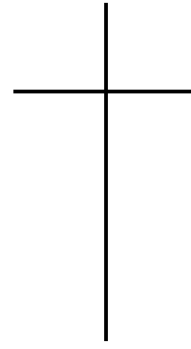
Autoren: Justimir Pavlović & Katarina Ristić, members of Naturist organization of Serbia <http://www.nos.org.rs>

Pictures 1, 2, 5, 6 and 7 are ownership of HTP Ulcinjska Rivijera. Pictures 3 and 4 are ownership of Pavlović Justimir

Resort information link:
<http://www.ulcinjska-rivijera.com/en/?akcija=2>

Info Focus October

Deadline to remit articles: 20. September
Release of Focus latest: 05. October



In Memoriam
Dr. jur. Johannes Georg Landolt
14th April 1926 – 15th May 2016

On 15th May 2016 the former Chairman of the INF-FNI Legal Council
Johannes Georg Landolt died at the age of more than 90 years.

Together with the Spirit of Pentecost he moved across to another world. His ashes have been returned to nature at the "Mount of Truth" (Monte Verità) in the Canton of Ticino in Switzerland.

The trained lawyer was active during several decades on international business, among others as General Manager of an overseas subsidiary of a large corporation as well as with an international group of companies in Switzerland. But he also worked as an economic and legal consultant.

He offered his knowledge also to national and international organisations.

From 1992 till 2002 the deceased had been the President of the INF-FNI Legal Council. After his resignation as always balancing advisor to the CC, he received, in recognition and as gratitude for his merits, the Golden Badge of Honour of the INF-FNI during the 28th INF-FNI Congress at the "Cypress Cove" in Florida.

On behalf of the INF-FNI the CC presents its sincere condolences
to the relatives of Johannes Georg Landolt.

We will always keep Johannes Georg Landolt in honorific commemoration.

Hörsching, 30th June 2016
Rolf Hostettler, treasurer
2nd INF-FNI Vice-President

Near the Alps, at 25 km from the center of Turin, 20 minutes from the airport Caselle. Caravans, plots for Recreation Vehicles and tents, completely equipped bungalows, caravans with chalet. Pool, solarium, jacuzzi and sauna. Clubhouse restaurant, petanque, mini-tennis, table tennis, Volleyball. Mountain bike circuits and trails in the Park Mandria

Sights: Venaria Royal Palace and Park, St. Michele Abbey, Rivoli Castle, Mole Antonelliana, Egyptian Museum, Piazza S. Carlo, Basilica of Superga.

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