

SUMMARY

The consideration that the Copyright Act gives to photographs as creative works offers them a legal status from which they derive a series of rights. Among these, there are the rights of the authors to any commercial exploitation of their work. These are known as patrimonial rights, which become the main factor to consider in the public use of these photographs by institutions and organizations.

The administration of these rights by public archives represents a certain evolution of global management, since it involves various practices. It is necessary to identify the legal status of each photograph or series, to count on a payment protocol that takes these into account, as well as having a regulated practice of authorizing their use by third parties. Presenting a commercialization of one's own collection thus becomes a case of having normalized all these functions.

Despite the efforts that have been made during recent years in normalizing the management of photographic collections in Spain, the situation surrounding their commercial exploitation is still in an incipient stage, above all if we compare it with that found in countries with more experience in this field of management, as is the case of France.

The present study reflects the current state of the commercial exploitation of photographic collections in Spanish public archives, and analyzes the related management practices, the criteria adopted and all the concepts that are involved.