



LAWYERS

etienne

***I S Y O U R
W E B S I T E
L E G A L ?***

**12 WAYS TO USE
PHOTOS LEGALLY
ON YOUR WEBSITE**

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Images and graphics convert more traffic than text alone.

The only journey is the one within



Rainer Maria Rilke



1. IS IT YOUR OWN IMAGE OR GRAPHIC

Generally if you take a photo or create a graphic (sketch, drawing, cartoon, logo etc) you own the copyright. If you are employed by another party the copyright may not belong to you. It depends on your contract. If you own the copyright of you can do whatever you like with it.

2 COPYRIGHT INFRINGEMENT V PLAGIARISM

Plagiarism is not illegal. It is morally and ethically wrong. It may be considered theft if there are other elements of intellectual property concerned. Copyright infringement is illegal. If you attribute the author of written content you can avoid plagiarism. However, this is not the case with images and graphics.



Thank you

*You're
Welcome*

3 BUT I GAVE THEM CREDIT

Giving a person credit for using their image or graphic does not invalidate using their image. It doesn't matter if you link back to them, give them a "shout out" or gave them "exposure" for their work. The owner of the work determines how, where and when it should be published and that may not be on your website, social media, newsletter or book.

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4 SAY PLEASE

If you ask nicely, you may be given permission to use an image or graphic. Not everyone will allow you to use their image or graphic and some may want compensation or attribution. Others will say no without any reason. If they say no, don't use the image. You may end up with more trouble than the image is worth. The decision to use an image or graphic always lies with the owner not you.



5 PUBLIC DOMAIN IMAGES

Public Domain images are free to use and you don't have to provide attribution. You should check to see what the terms of use are. Some will require attribution. There are many sites that curate images that are in the public domain and many of them are high-quality photos and graphics. By using public domain images you avoid all issues with copyright provided you adhere to the terms of use..



6 CREATIVE COMMONS LICENCES

Creative Commons Licenses require attribution. There is more than one type of Creative Commons License. Each license has a set of rules and the owner may decide to change the rules after you have used the image and require you to stop using it. There are many photos available but there are rules that need to be adhered to.



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7 YOU CAN'T USE THAT IMAGE

Not every image can be used for each occasion. Some images may be able to be used on your website but not in your book that will be sold. If the image is your own there is no restriction on how you use the image. If it is in the public domain or a Creative Commons license there may be restrictions. You must consider the license that was granted with the image. Each license will differ.

8 ASSUME ALL IMAGES ARE COPYRIGHT

Every image online has copyright attached unless it is Creative Commons or Public Domain. Even that photo on Facebook of the sunset or the cute puppy on Instagram. Just because you find a photo on a social media site doesn't mean you can take it and use it on your own site. Images published after March 1, 1989 do not require a copyright notice, so there is no excuse that you didn't know it was protected by copyright.



9 YOUR WEBSITE, YOUR LIABILITY

It doesn't matter if you uploaded the image to your website or your webmaster or web designer did it. You are still responsible. You should ask where they get the images from and if you will own them. Usually as part of the contract there will be a fee for images or the ownership of the images will be transferred to you. You should also ask for an indemnity against any images that are used illegally on your site.

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10 IF IT'S NOT YOURS IT'S NOT YOURS

Changing an image by adding text or a quote doesn't make the image yours. Nor does editing it in photo editing software. You can't make an image yours just by changing it if you didn't own it in the first place. You are still liable for the use of the image even if it looks different..

11 BUT THEY DID IT FIRST

As in all forms of the law it is not necessarily applied to everyone equally. Copyright law is not different. Just because someone else is doing it doesn't make it right. It often requires the copyright holder to enforce the copyright. To be sure that you are not running into trouble. Make sure you own the copyright. Create the image yourself, buy the image or use images in the Public Domain or with Creative Commons licenses. Just be sure to read the terms of use first.

**AT
YOUR OWN
RISK**

12 SAFETY ABOVE ALL ELSE

To be safe - have terms and conditions of use on your website that clearly set out what you expect of people who download images from your site and what you expect people to do with your images and their images should they upload them to your site.



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