

## **Legal Issues Related to Improperly Using Online Photographs**

The internet offers countless images and photographs involving any topic, location or person with just a click of a button. Specifically, global access to downloadable images and photographs creates tempting opportunities for impermissible use and copyright infringement. This article will provide a brief overview of the dangers of copyright infringement and offer several reliable and legal alternatives that A Corporation employees may use when seeking out images or photographs for work projects.

### Copyright Law

Copyright is a form of legal protection grounded in the U.S. constitution. According to Federal law, copyright protection applies to “original works of authorship fixed in any tangible means of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.” Therefore, a copyright in a work arises from the moment an original work of authorship is fixed in a tangible medium (e.g., when the paintbrush touches the canvas or when the photograph is taken) and does not require a registration in order to be valid. Most importantly, a copyright grants the author an exclusive bundle of property rights that allow them to utilize their works in nearly any way they see fit, and to prevent others from doing so.

### Using Images from the Internet Without Permission is *Infringement*

Despite the growth of the internet and various accompanying technologies, the most basic principles underlying the use of copyrighted works have not changed. An individual reproducing, distributing, displaying, or using copyrighted works without permission from the copyright holder is committing punishable copyright infringement.

One of the most widespread misconceptions about the internet is that online materials are free to be used and downloaded. Just as you cannot copy books, music and artwork without the copyright owner's permission, it is also impermissible to copy, download, modify or use images (i.e., photographs) from a website without a license to do so. Copyright infringement occurs even if you accidentally or unknowingly utilize a copyrighted image. Such actions would expose you and the organization to lawsuits and potentially very hefty fines for each work infringed (photograph improperly used). Therefore, all employees should never download, use, or alter any images or photographs from the internet without written permission from the owner and after discussions with Legal Services.

### Acquiring a License to Use Image

Aside from a few exceptions (listed below), A Corporation employees who seek to use an image or photograph found online must receive a written license from the copyright owner. Please contact Andrej Ajanovic from the Office of Legal & Risk Management Services at [Andrej.Ajanovic@pcusa.org](mailto:Andrej.Ajanovic@pcusa.org) to discuss this process. Staff would have to seek out the copyright holder (they may be very hard to identify and contact) and request a license. Please note that copyright holders may refuse to grant PCUSA a license or may charge very high license fees.

Due to the often time intensive and costly process of acquiring a license, it is recommended for staff to use images and photographs from the **PCUSA DAM** system (information below) or possibly from one of the alternate methods listed below. If acquiring a license for an image is absolutely necessary, please contact Andrej Ajanovic ([Andrej.Ajanovic@pcusa.org](mailto:Andrej.Ajanovic@pcusa.org)) to help you identify and contact the owner of the photograph and with the drafting of a license agreement.

### Alternate Methods of Legally Using Images

There are several legitimate online resources that offer free to use images and photographs:

#### Public Domain

- Certain images may be in the Public Domain and therefore free to utilize without payment to the author. A work may enter the Public Domain due to its age (Any U.S. work published before January 1, 1924 is in the Public Domain) or by being placed there by the copyright holder. Nevertheless, please be cautious and utilize reputable, vetted websites only. An example of a reputable source is the Library of Congress (<https://www.loc.gov/free-to-use/>). DO NOT assume that photographs on the internet are in the Public Domain, many are not. Contact Andrej Ajanovic ([Andrej.Ajanovic@pcusa.org](mailto:Andrej.Ajanovic@pcusa.org)) for help in determining if an online photo is or might be in the Public Domain.

#### Creative Commons

- Creative Commons is a type of license in which a copyright holder releases the rights to their image under certain conditions. Please examine the requirements of each image carefully and always adhere to the copyright holder's conditions; please contact Andrej Ajanovic for any questions. Please note that a Creative Commons license condition may limit the licenses to non-commercial use or require the user to credit the owner in a particular way.

#### Free and Paid Stock Image Agencies and Websites

- Another alternative is to use images from a reputable agency such as Getty Images (Getty may charge for some images and offer others for free). Be sure to check the copyright information and the requirements listed on each image; some agencies may require that you credit the author.

### Best Options: Use the PCUSA DAM System

The following two options **are the recommended and preferred methods for safely and legally** finding and using images or photographs.

- All photographs and images included in the PCUSA DAM system can be utilized by PCUSA staff for work related projects. Using this system is the preferred method (if used properly) because it does not create any potential legal or ethical risks. The system includes a great number and variety of images for staff to choose from.
  - Please contact Becky Trinkle at [Becky.Trinkle@pcusa.org](mailto:Becky.Trinkle@pcusa.org) to request the log-in credentials for the system.

- Furthermore, staff is encouraged to send in their own pictures to add to the system. You should be the exclusive copyright holder of the image that you submit. Please send the image in high resolution and include a caption, the photographer's name, and any other relevant information.
- An alternative option is to have an A Corporation employee (or a hired independent contractor) create the image or photograph for Presbyterian Church (U.S.A.), A Corporation to exclusively own. These works can then be used for any work-related project.

### Questions and Assistance

For any further questions or assistance with these matters, please contact Andrej Ajanovic from the Office of Legal & Risk Management Services at [Andrej.Ajanovic@pcusa.org](mailto:Andrej.Ajanovic@pcusa.org).