



Best Practice Advice for Avoiding Copyright Infringement

Any business that produces content will regularly use third party images. Professional photography and illustration adds significant value to any content but third party material must be used under license. Agreeing terms with providers of imagery, for all your intended uses and platforms, can be a confusing and time consuming process. If adequate permission is not received then the risk to your business is significant. The amount of litigation being faced by content creators has risen significantly in recent months. There are lots of reasons for this:

- The economic downturn has encouraged copyright owners to seek financial compensation for unauthorized use of their material
- Visibility of content as it appears on the Internet and increasingly on mobile delivery platforms means that copyright owners can track and identify unauthorized uses of their photos or licenses that do not extend to multiple platforms
- Media businesses have lost their in-house rights acquisition / picture researchers, the subject experts whose job it is to fulfill creative briefs but most importantly who protect businesses by clearing images in line with UK Law
- The photographic industry itself has encouraged a move to 'micro sites' and this challenges the traditional models. As this style of 'click and go' image research has proliferated, so has the assumption that any image pulled from the web follows the same model
- Non-professionals carrying out picture research are not qualified to recognize copyright issues, model release issues, usage restrictions and are not best placed to negotiate and agree terms with image providers

PrA

There are some simple measures that the PRA, as the association representing picture professionals, is happy to recommend to you.

- The best way to protect your business from infringement litigation is to use a professional picture researcher to locate and clear images for you
- Inform your creative and editorial teams that it is everyone's responsibility to ensure awareness of the status of the images being used or re-used by your business and that they should work with a picture researcher to prevent unauthorized uses
- Clear images prior to publication / use
- Communicate information about all intended uses, distribution territories, print runs, platforms and life cycles, to your picture researcher so that they can negotiate a license that is adequate – remember that even micro-sites have restrictions and limitations
- There is no such thing as a *free* picture – all images belong to someone and the large print may say they are free, but if you are a commercial organization then the small print will say otherwise
- Budget adequately when you are planning your product so that your teams are not tempted to break the rules. Your picture researcher will be skilled at planning, monitoring and safeguarding budgets
- Always use professional photographers or their agents; Internet images from other sources rarely belong to the site that displays them, even if you infringe unknowingly – ignorance is no defense
- It *is not* the responsibility of the copyright owner to request that you clear permission; accountability is always with the end user to declare the use

We hope that you have found this short guide useful. Copyright is an extremely complex and difficult area to understand and the expertise required to manage the procurement of images and the acquisition of rights comes with experience and study. Amateur attempts at 'the fun bit' of finding images can lead to financial losses that can, and have, run into £1,000,000's in law suits. Make sure that you protect yourself by following the best practices that a professional picture researcher can bring.

Get on the right track with rights, with the

