

# The Proof Angel Guide to Image Copyright

## What does this cover?

The internet allows us to collect pictures from all sorts of sources and paste them into our own documents, but that doesn't mean we have the right to use those pictures as we please.

Before you use a photo or any kind of artwork, you should make sure you have the right to do so. This applies to images in anything you publish, from a sales promotion leaflet or annual report to a book. That means:

- You know you own the rights to that picture yourself, or
- You have permission to use it for that purpose from the owner of the rights.

If you do not respect copyright, you run the risk of:

- a claim being made against you, and/or
- looking unprofessional.

It can be tempting to turn a blind eye and think that no one will notice. There isn't much point in publishing things if you don't expect them to be found, so that is not a logical approach.

Copyright is a complicated area, but knowing some basic things cuts your risk of getting into trouble.

Remember – it is better to be safe than sorry.



The Proof Angel is the trading name of Sarah Perkins, freelance editor and proofreader.

[www.the-proof-angel.co.uk](http://www.the-proof-angel.co.uk) © Sarah Perkins 2020

## Why you need to know about this

If you are part of a large organisation or your work is being handled by a publisher, there will probably be a team of marketing specialists watching out for this sort of problem.

If you are self publishing, which includes circulating anything in print or publishing anything on the web, you need to remember to watch out for yourself.

"Ignorance of the law is no excuse" is a well-known phrase, and it applies in this area as much as any other. If someone makes a complaint against you, you cannot get out of it by saying you didn't mean any harm. That isn't the point.

***If you are in any doubt, do some research or get advice from someone with suitable knowledge and experience.***

This guide is to help you understand what is involved. It has been written by an editor, not a lawyer.

## Who owns the rights

As with any aspect of law, the rules governing copyright vary between countries and over time. Since 1<sup>st</sup> August 1989 in the UK, the rights to all photos belong to the photographer in most cases. The main exceptions are:

- There is an agreement in place that says something else. For example if you commission some pictures for a project, the contract might specify that the rights to the pictures belong to you. If you are commissioning pictures, it is wise to make sure you have something in writing to give you the rights to use the pictures for reasonable purposes.
- The photographer is an employee who took the pictures as part of their job. So if you work for a company promoting rallies, the action pictures you take at work belong to your employer, but if you work for a building contractor and take the same pictures for fun at the weekend, the pictures belong to you.

If you have taken the picture yourself, in your own time, at a location where there was no notice forbidding commercial photography, it is most likely that you can use the image for whatever you want.

## Using stock photos

There are some sites on the web where you can buy images, often inexpensively. One list of some of these sites is <http://www.computerhope.com/issues/ch000845.htm>.

It is very important that you read the terms and conditions to make sure they will allow you to do what you need. Be careful about this small print, for example some images will need to be re-licensed after a certain number of copies have been used.

## Getting permission

To use someone else's work, you need to get their permission and then give them credit for their work. Sometimes the creator will be happy to allow you to use a photo free, but sometimes there will be a small fee for the use if the rights. One way of phrasing the credit is:

Image by Fred Bloggs, used with permission

Here is a template letter you can adapt to ask for permission to use a picture. Remember the idea is to give enough information for the recipient to be able to assess the impact of the use you are proposing. It might be helpful to send a copy of the relevant page, or enough pages to get a flavour of the context in which you want to use the picture.

Dear [creator's name],

I am looking for pictures for my [sales brochure, book] and I came across a photo you took (or illustration you created) featuring [briefly describe the picture]. It is just what I'm looking for to illustrate [topic].

Would you consider letting me include this photo/ illustration in my [project]? My market is [briefly describe your market]. My aim is to [brief description of your project].

Thank you for considering my request. If you'd like further information, please let me know.

Yours sincerely,

[Signature]

## **Conclusion**

These principles apply to anything that someone else created. If you didn't create it, you need to:

- ask permission to use it,
- find out if you need to pay for it, and
- give credit to the creator.

If you are in any doubt, it is always safer to do some research and find out where you stand.