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IP Practice specializing in trademark and copyright law; IP counseling; domestic and international maintenance and protection of IP portfolios; Internet issues; social media; IP audits and strategies relating to IP portfolios; drafting and negotiating IP and IT-related agreements

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Using Online Images Without Violating Copyright

It is tempting to “borrow” online photos and images to spice up a company report, marketing campaign or web page. But before you use one that you stumbled across on the Internet, beware of opening yourself up to liability for copyright violations. There are places to find stock photos and images that you can legally use without worrying about a potential lawsuit.

- *Copyright protection for online images*

Online photos and graphics are protected by copyright law, just like any other original work. The photographer owns the copyright in the images from the moment she creates them, unless she is working for hire with an agency or other employer. In that case, the agency or employer owns the copyright. Copyright protection gives the owner the right to determine who copies, distributes or adapts the images for further use. The only way to legally use a copyrighted image is to obtain a license or an assignment from the copyright owner.

- *“It’s online, so it’s free, right?”*

In a word – NO. Online images are

There are a lot of choices for online images, but just because they are easy to access does not make them free.

protected by copyright as much as a picture hanging in an art gallery is. Photographers can now use companies like [TinEye®](#) and [PicScout™](#) to track use of online photos and determine whether someone is using their works without a license.

If you are found to be using an unlicensed image on your website or in print, copyright law allows the owner to sue for monetary damages, possibly including astronomical statutory damages (if

the work was registered with the U.S. Copyright Office within the appropriate statutory time frame).

- *Stock image agencies*

There are several legitimate sources online offering licensed images that can better protect you from liability. Reputable companies that license a wide variety of both photos and graphic designs include [Corbis® Images](#), [Getty Images®](#), [iStockphoto®](#), [PunchStock®](#), [Shutterstock®](#), and [Thinkstock®](#). Some agencies provide only stock graphics, such as [Stock Graphic Designs](#) and [GraphicRiver](#). There are also companies that specialize in niche markets for photos of [travel destinations](#) or [animals](#).

Some images are offered online through a [Creative Commons license](#). Creative Commons is a nonprofit organization that provides simplified licensing agreements so that creators of copyrighted works can share their materials without completely giving them away for unlimited use. While images licensed through Creative Commons may seem “free” to use, the licenses have certain parameters, and some works may only be licensed for non-commercial use or they may

require attribution to the original producer.

- *Picking copyright-safe images*

Well-established image agencies, like the ones listed above, are a good source to turn to for finding copyright-safe images. These agencies clearly specify the terms of their license in their legal policies. In order to ensure that you are paying for the right license, have a clear idea of what size image you need, how many times you will need to use the image, and on what materials you will use it. [Stockphotorights.com](#) is a website organized by some of the leading image agencies to provide an overview of reputable sources and additional considerations to help you avoid committing copyright violations.

There are a lot of choices for online images, but just because they are easy to access does not make them free. Find a reputable agency and scrutinize the licensing terms they offer. Putting the time in up front will help you find images that help your business shine without opening you up to legal risks.