

Copyright 101

Copyright and Content Licensing

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Copyright Basics

The following information about copyright issues, as they relate to imagery and other digital content, includes excerpts, with permission, from a larger presentation by the Picture Archive Council of America (PACA). The complete PACA presentation about copyright is available at <http://pacaoffice.org/> and includes many examples of infringements that Getty Images and others have successfully pursued.

Note that all imagery and other digital content on Getty Images websites is copyrighted and may only be used with permission in the form of a license. Getty Images license terms are accessible from every page of our [websites](#).



200417679-007/Ryan McVay/Stone+

What's copyright?

Copyright is a form of protection provided by the laws of the United States to the authors of "original works of authorship." By virtue of the Berne Convention for the Protection of Literary and Artistic Works, works are protected in all 160 countries that are party to the Convention.

When does copyright begin?

From the time it is created, a photo or other image is automatically copyrighted.

What are common misconceptions about copyright?

- If an image is on the internet, it's in the public domain and I don't need permission to use it.
- If there's no copyright notice on the image, I don't need permission to use it.
- If I don't profit from the use, I don't need permission.
- If I alter the image X% I don't need permission.
- If I don't use the entire image I don't need permission.
- If I remove the image after notice, I don't owe any money to the copyright owner.
- If I can download it, I can use it without permission.

What's protected by copyright?

All of the following, provided they are original and sufficiently creative works of authorship:

- Literary works (all text, including computer software)
- Musical works and sound recordings
- Dramatic works
- Pantomimes and choreographic works
- Pictorial, graphic and sculptural works, including: Photographs, illustrations and computer-generated graphics
- Motion pictures and other audiovisual works
- Architectural works

What's not protected by copyright?

- Ideas, concepts or discoveries
- Titles, names, short phrases and slogans
- Works that aren't fixed in a tangible form of expression, such as improvised speech or dance
- Works consisting entirely of information that's commonly available and contains no originality
- Anything written or created by the U.S. government



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Who owns copyright?

Any freelance artist who creates a copyrighted work, or any employer whose employees create copyrighted works as part of their job.

Can copyright be transferred?

Non-exclusive rights can be transferred without written notice. Transfer of exclusive rights requires written notice signed by the copyright holder or authorized representative.

What rights do copyright owners control?

Rights that allow others to:

- Make copies of the work
- Distribute copies of the work
- Perform the work publicly (such as for plays, film or music)
- Display the work publicly (such as for artwork or any material used on the internet or television)
- Make derivative works (including making modifications, adaptations or other new uses of a work, or translating the work to another media)

Are there limitations on owner's rights?

"Fair Use" or "Fair Dealing" doctrine allows limited copying of copyrighted works for education and research purposes. These very limited uses do not require permission from the copyright owner.

Since allowable uses can vary by country, it's wise to seek independent legal advice before using any copyrighted material without permission.

What's public domain?

The duration of copyright varies for different types of work and from country to country. The following are examples of public domain in the U.S.:

- All works published before 1923
- Works out of copyright or works that fell out of copyright for failure to register or renew under 1909 Act or for lack of notice before 1989

What's copyright infringement?

Infringement is any violation of the exclusive rights of the creator. Examples of imagery infringement include:

- Use of whole or part of an image without permission
- Use beyond the scope of a license or permission
- Adapting an image without permission (art rendering)
- Asking another photographer to recreate the image
- Actual copying

Why worry about copyright?

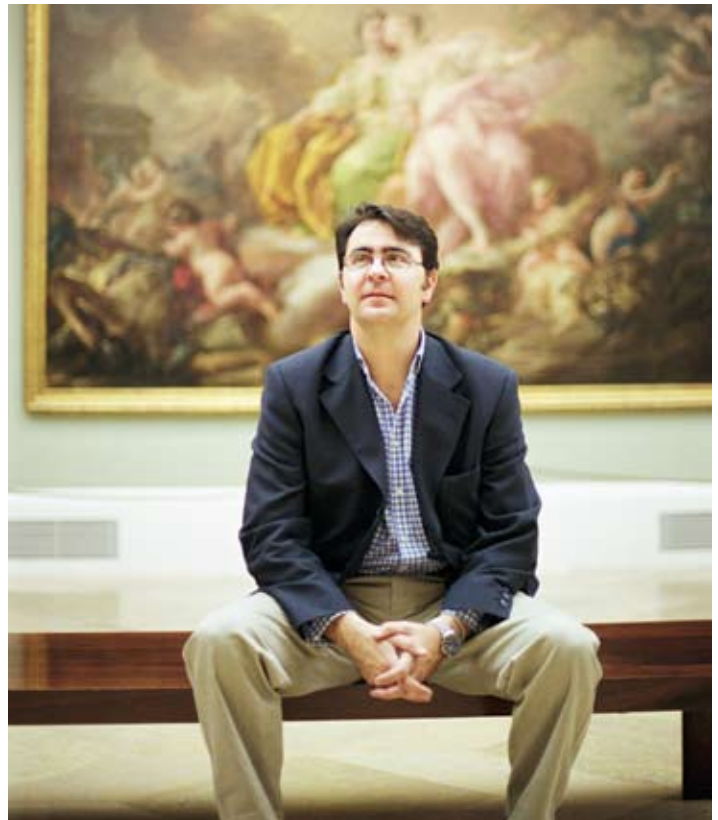
New technology enables copyright owners to identify unlicensed imagery and act to protect their rights. Infringement of those rights can result in:

- The awarding of substantial monetary damages
- The infringing use being enjoined (prohibited)
- Lawsuits and costly attorney's fees
- A ruined client relationship
- Criminal charges, under some circumstances

Who's responsible when infringements occur?

Responsible parties include:

- The company that directly infringed, even if unintentionally
- Employees or individuals who participated in the infringement
- Anyone who published the infringing image, whether they had knowledge or not
- Anyone who authorized or encouraged infringement



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Information Specific to Getty Images

How does Getty Images license imagery, music and other digital content?

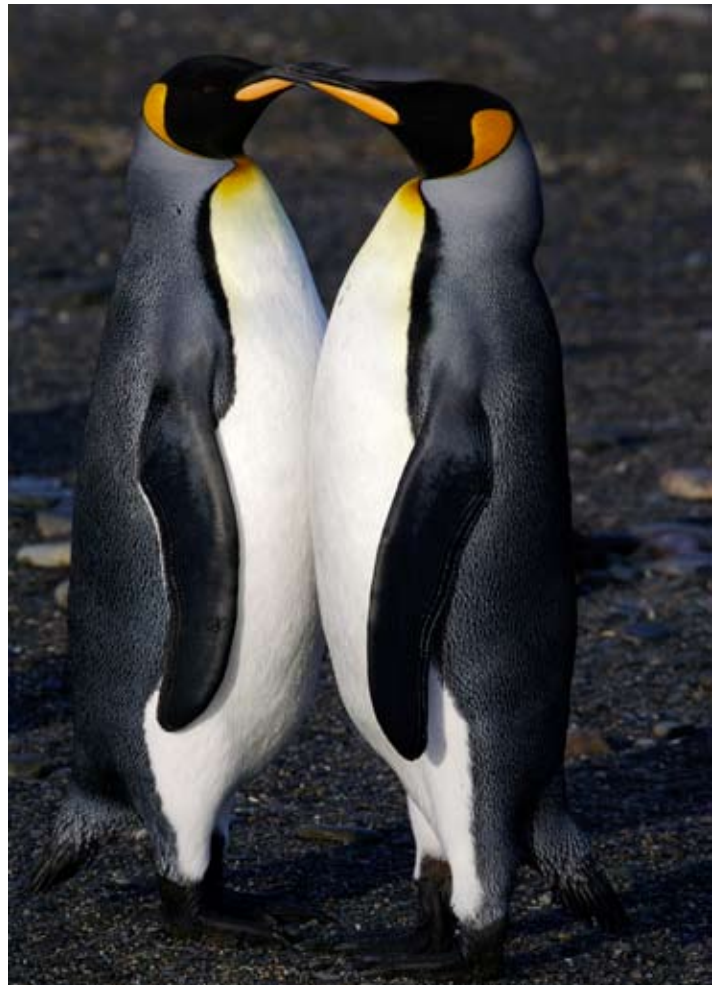
We represent imagery, footage and music created and owned by some of the world's best photographers, filmmakers and musicians, as well as by entities such as National Geographic, Time Life, Flickr, many professional sports leagues and clubs, movie studios and more. Through contractual agreements with all of these contributors, we represent certain digital content exclusively and license these images to companies for certain uses, all over the world. We're committed to protecting the rights of both content owners and users, through appropriate licensing.

Who can license your imagery and other digital content?

Businesses license thousands of images, footage clips and sound tracks per day on our websites, including gettyimages.com. Customers such as graphic designers, advertising agencies and publishers, and businesses and corporations of all sizes license our imagery for a variety of purposes, including but not limited to print advertising, billboards, newspaper and magazine articles, brochures and websites, television commercials and movies.

Where can I find Getty Images' license terms and information?

Our license information is clearly available from the License Information link on each page of our website and during the purchase path when licensing. Customers are not permitted to use imagery for any purpose without agreeing to a license. On behalf of ourselves and our represented photographers, filmmakers and other contributors, we're committed to protecting their imagery and other digital content from unauthorized use.



81790817/Paul Nicklen/National Geographic

I'm not a business. Can I use some of your imagery for a personal or non-commercial use without paying a fee?

No. Individuals can license our content for a wide range of multiple uses by paying a single fee at [gettyimages.com](https://www.gettyimages.com).

Many of our news, sport, entertainment, creative and archival images can be found and downloaded for very limited personal use at no charge at [Life.com](https://www.life.com).

I'm doing volunteer work for a non-profit, charity or NGO. Can we use your imagery without paying fees if we include a thank-you or credit on our project?

No. However, we value the important role that non-profits play in our society. So we offer special pricing and a wide range of inexpensive and accessible images and services for the groups that do so much good in our world. Protect the non-profit you support by ensuring that the imagery they use is properly licensed. See our [non-profit resources area](#) for information that will help non-profits find the best content for their budgets.



83908995/Marcy Maloy/Digital Vision

Can I use royalty-free images for free?

Although royalty-free (RF) images from Getty Images are different from rights-managed images, all the images we represent require an appropriate license for their use. “Royalty-free” means that once licensed, the images may be used many times for certain uses without paying further fees. But the initial license is necessary to protect yourself and your clients. When you license an RF image, you can use it in nearly any application*, for as long as you like. The cost is based on file size and the number of permitted users.

*Note: Some uses need to be specially licensed at different rates and are limited in scope and duration. An example of this would be images used for website templates.



82678819/Walter B. McKenzie/Stone

How can I ensure that the imagery on my site is properly licensed, especially if someone else created my company's website?

If a third-party designer, employee, contractor or intern designed and developed your company's website, you are responsible to ensure they have licensed images for your use. If no valid licenses exist, the liability of any infringement ultimately falls on the company (the end client) who used the image. You/your business should be named as the “end client” of the license when the images are purchased through gettyimages.com.

Don't assume your designer or image provider will contact you about an expiring license. Getty Images sends renewal notices to the purchaser of the license, so your designer may receive this notice if they licensed it on your behalf. If you have a Getty Images invoice number or sales order number, contact us at LicenseCompliance@gettyimages.com and we'll confirm if the license is connected to your website.

It's also wise to keep all your licenses organized so that you know the scope and expiration dates of each license. If you have a large number of images and other digital assets to manage, you might consider using our [Media Manager](#) service.

I don't know who designed my company website or where they might have found the imagery that appears there. How can I find out whether the imagery is licensed?

If you have any question about the origin of the content on your website, you may want to proactively remove that content until you can locate proof that the uses were legitimately licensed, since the content could be from a number of sources, not just Getty Images.

I'm a blogger, can I use images for free, if my blog is non-commercial, meaning that it has no advertising and is not engaged in the sale of any product or service?

No. All images from gettyimages.com must be licensed, regardless of the nature of the blog. However, we have a very inexpensive license designed specifically for [web and mobile](#) use, which is perfect for bloggers and starts at just a few dollars.

Are there any exceptions?

Yes. U. S. Copyright law allows certain "fair use" of an image in limited circumstances, such as criticism, comment, teaching, scholarship and research. Whether a particular use is a fair use depends on the facts of each case, but this is very narrowly construed. In addition, fair use provisions vary considerably from country to country, so research is needed in each.

If someone sends a blogger an image to use, does that mean the blogger has permission to use it?

In some cases, PR and Marketing companies will license images from us for third-party distribution, enabling them to send those images to specific outlets for publication. In such cases, the following credit is required:

"photo by Joe Photographer/Courtesy of Getty Images via PR company name"

In all instances, the PR company or other source of the images must be included in the credit to eliminate confusion.

How can I learn more about licensing images and other digital content?

Getty Images [licensing information](#), which explains all the licensing models we offer, is available from every page of our [websites](#). Be sure to review all restrictions or other notices incorporated into your license agreement when you license content from Getty Images.

I'm a designer. How can I best protect clients when licensing imagery for them?

- Read the terms and conditions of the licenses you secure for your clients
- Name your client as the 'end client' in the purchase path at [gettyimages.com](https://www.gettyimages.com)
- Provide your clients with copies of all licenses for their files and ensure they know the scope of use and expiration date for the content
- Don't share images you've licensed for a client with others

I've just received a letter from Getty Images notifying me that my company is using imagery without a license and demanding payment. What should I do?

First and foremost, don't panic and don't ignore the letter. We're eager to work with you to resolve the situation. If you have invoices and licenses that show you're using the imagery legally, please notify us at once. We may have made an error, or there may be other circumstances that could affect the final payment, decision or outcome of the matter. Please call or email us via the contact information provided in your letter.

If you do not have a valid license, please do NOT go to [gettyimages.com](https://www.gettyimages.com) and try to license the image before settlement is reached. Since the images have been used by you, fees are due and our contributors are owed royalties on the past uses.

If I just stop using the image, can we consider the matter closed?

We appreciate the removal of our images from your website, however, removal alone does not settle the issue. Please contact us so that we can settle this matter with you as soon as possible. Getty Images will continue to pursue payment of the settlement amounts until the matter is resolved.

Why does Getty Images engage in an active copyright compliance program to pursue unlicensed uses of their content?

Getty Images has contractual agreements with our contributors to exclusively represent and license certain digital content. Because our contributors and partners trust us to protect and maximize the value of their original works, we pursue infringements and unauthorized uses of our digital content to protect our own and our contributors' rights.

We purchased these images from a company we found online as part of a web template, so isn't the web template company responsible for licensing the imagery?

As the end user of Getty Images imagery, you're ultimately responsible for ensuring that you've obtained the appropriate rights to use the imagery. That means, if you acquire imagery from a web template provider, and that provider or other such company did not properly license the imagery, you're still liable for copyright infringement.

How do you calculate the value of settlement demands sent to suspected unauthorized users?

Settlement demands are based on the fair market value of a license, taking into consideration usage, size, placement, duration and territory. The settlement demand is calculated by taking the average duration and average costs of licensing for that period, plus a portion of costs incurred in the pursuit of the unlicensed use.

Using the image without a license ultimately costs more than properly licensing the image before use.



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Can you recommend some inexpensive image options for the future?

Getty Images offers imagery at a range of prices, including some that even the smallest budgets can manage. Please check out our royalty-free collections, plus Punchstock.com, JupiterImages.com and Photos.com. You'll also find very inexpensive imagery at iStockphoto.com.

Additional Resources

You may also find the information at these sites helpful:

- <http://www.copyright.gov/>
- <http://www.wipo.int/treaties/en/ip/berne/>

We encourage you to consult with a copyright attorney about specific copyright issues in a particular jurisdiction.

If you have any further questions please contact us at copyrightinfo@gettyimages.com.

Also follow us on Twitter: [@gettycopyright](https://twitter.com/gettycopyright).