Can I Use that Picture?

The Terms, Laws, and Ethics for Using Copyrighted Images

Can I Use that Picture?

Did you take or create the image yourself?

Yes

Was the picture you created an original idea?

Yes / No / Not

Yes! If you took a picture with your camera or if you drew or designed an image and the concept was completely your own, you automatically own all copyrights to it and no one can use it or distribute it without your permission.

No! If you created a picture that is so similar to someone else's that it might be thought of as theirs, you cannot use your picture for anything other than personal use.

When in doubt, do your research to find out if you copied an idea. Otherwise, don't use the picture for anything other than limited personal use.

Yes! If you are using an image in an educational or research setting, for limited non-profit uses (don't distribute on a brocure, for example), or to just hang on your wall, you are usually safe to use the image without permission.

Yes! If you completely rework the image so that it isn't recognizeable from the original, you can use it. Or, if you completely change the meaning (as you might in a parody), you are usually safe to use the image.

Probably. On a case-by-case basis, an image may be safe to use under fair use laws if the image is published in a non-biased way in order to inform or educate the public for the public's good.

Yes! If you are certain that it is impossible to obtain permission from the person or entity that created the image (if the creator died and no one owns the rights, for example), you are usually safe to use the image without permission.

Yes! If your picture is in the public domain (meaning the original creator(s) released their rights to the image) or if you purchased the image and its copyright (like from a stock photo company), you can feel comfortable using the image for whatever you like. If your image is protected under creative commons, be sure to check the conditions under which you can use it (you may not be albe to modify it or profit from it, for example). If you are uncertain if the image is in the public domain or creative commons, assume it is not and avoid using it until you've obtained permission.

No! If you couldn't answer "yes" to any of the fair use questions and you haven't purchased or obtained permission to use the image, you should under no circumstances use the image, regardless of where you found it. It is not only considered unethical to use another person's or company's image without permission, it is illegal.

No

Ask Yourself the Fair Use Questions

Are you using the image for personal, non-profit, educational, research, or scholarly purposes AND are you using the image sparingly, only for limited purposes? Yes / No

Are you transforming or repurposing the image to create a new purpse or meaning? Yes / No

Are you publishing the image in a fact-based context or publication that benefits the public as a whole (such as in a news source where it is important that people see the image)? Yes / No

Would it be considered impossible to obtain permission from the original source? Yes / No

Will you be using the image for personal or commercial gain? (If you answered "No" to all the fair use questions, the use of your image would most likely be considered for personal or commercial gain.) Yes

Is the image in the public domain or protected by creative commons agreements? Yes / No

Did you purchase the image or obtain permission from the original source? Yes / No

Copyright

The protection given to any created image or work from being copied or distributed without permission. All images are immediately given copyright to the creator when the image is created.

Fair Use

The legal right to use copyrighted images as long as the images are used for educational, research, or personal or use or as long as the image benefits the pulic good in some way.

Creative Commons

Images that are copyrighted but that the creator has put provisions on their use. A creative commons license might stipulate, for example, that an image can be used as long as it isn't modified in any way.

Public Domain

Images that no longer have copyright restrictions either because the creator willingly relinquished their copyright or because the creator is dead and no one owns the copyright.

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What if I found the picture on social media or a website?

While the laws about distributing images through social media channels like Facebook, Pinterest, and blogs are still fuzzy, it is generally considered acceptable to redistribute an image that was originally intended to be publicly viewed by the creator. This is why you will typically find original images re-posted on blogs, news sites, and social media channels even if the person re-distributing the images didn't obtain permission to do so.

However, much depends on the way in which you intend to use the image. It is unethical to redistribute an image on Facebook, for example, if a person didn't intend for the image to go public in the first place. It is also a form of plagiarism to post an image on your blog or website without citing the original source (and it is considered best practice to link back to the original source as well).

Pay attention to the fair use laws and other questions to the left when considering using other images you find online. Be careful about using others' images for personal gain, commercial gain, and even formal presentations without obtaining permission first.