Understanding copyright

How to stay on the right side of the law when creating webpages, social media posts and digital or printed documents.

All creative work – whether it’s a photograph, a painting, a poem, a story, music or anything else – is the ‘copyright’ of the person or organisation who created it. It is their intellectual property.

Copyright is protected by law.

If anyone uses or reproduces a copyrighted work without the copyright owner’s permission, they’re breaking the law.

Effectively, this represents a theft from the copyright owner. Copyright is particularly important for people or organisations who derive their income from selling their work, like musicians and photographers. Infringement denies them their income.

Infringing copyright can be a civil or a criminal offence. Offenders can be taken to court by the copyright owner or by the CPS.

How can you infringe copyright?

You infringe copyright if you use a piece of creative work without getting authorisation from the copyright owner. Sometimes authorisation just means getting agreement in advance, but more often it means paying a licence fee for the right to use that work.

Either way, if you don’t ask for authorisation or pay the fee, you’ve infringed copyright and have therefore broken the law.

The following are a few examples of copyright infringement (if you didn’t seek authorisation or pay a fee in advance):

• copying a music CD and giving the copy to someone else
• showing a movie or playing a song in a public place (this is called a ‘performing rights’ issue)
• copying a photo from any website, including a newspaper’s, and using it on your own website, social media or print
• similarly, reproducing all or part of a drawing, video, painting, cartoon, poem or song (etc) on your website, social media or printed materials.

What happens if you infringe copyright?

If the copyright owner finds out that you’ve infringed their copyright, they have several options:

• they may be charitable and just ignore it
• they may ask you to stop (you might have to bin and reprint thousands of brochures)
• they might ask you to pay the licence fee retrospectively
• they might issue a penalty fine (which could easily be £1,000+ for the unauthorised use of a single photo on a single webpage)
• they may take you to court

In some cases, infringement can become a criminal issue, involving the police and the courts, with penalties of prison terms and substantial fines.

What if you weren’t aware of what you’d done?

Perhaps you didn’t know the law on copyright. Maybe you infringed copyright by accident. Or perhaps someone else in your group infringed copyright, and then left. None of these circumstances is a legal defence. You’re still liable.
How to stay on the right side of the law

**DON’Ts**

NEVER copy an image from ANY other website (including other CoS groups) and upload it to your own webpages or social media, or use it in print or in a presentation.

DON’T assume that crediting the source (eg the photographer) means you can get around seeking authorisation or paying a licence fee.

DON’T download images from supposedly ‘free’ image libraries online. Think about it: why would a good photographer give their work away for free? Usually, these images have been stolen from paid image libraries – and it’s you who will be liable to pay any fines, even if you didn’t know the image was stolen.

**DO**

ALWAYS think about what you’re publishing. Is it someone else’s creative work/intellectual property?

ASK the copyright owner in advance if you want to use all or part of a work of text (song lyrics or a poem, story, article, etc). You can contact them via their publisher.

TAKE YOUR OWN PHOTOS wherever possible, because then you own the copyright yourself (but see ‘subject permissions’ later on).

RELY ON SHARING on social media. If you post a link to the original source, rather than copying and pasting an image or text, you’ll be in the clear. Sharing information is what the internet was created for. However, you can summarise the content by paraphrasing it, because an idea can’t be copyrighted – only the expression of it.

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**What does this mean for City of Sanctuary?**

**Nationally**

Take the example of websites alone. National CoS hosts all of the local groups’ websites, which means we could be held liable, at national level, for any copyright infringements by local groups.

We have around 110 local groups. If each group’s webpages contained 10 images copied illegally from elsewhere, and the copyright owners demanded £1,000 for each image, our potential bill would be £1,100,000 (£1.1 million).

This presents a massive risk and would threaten the viability of City of Sanctuary.

Add to this the additional liabilities for any groups which may have illegally reproduced copyrighted work on social media, in print or in presentations.

The potential risk is huge. We must take copyright very seriously.

**For local groups**

The issue of who is liable for copyright infringement can become complicated if the infringement is committed by a local group, but on their webpages. Since all local group websites are hosted by national CoS, the copyright owner would seek redress from national CoS, who would then have to pay any fines.

However, national CoS would then seek to recoup the money from the local group.

For print and social media, local groups must take responsibility for copyright issues.

Reasons of space and complexity mean that this information can only be a general overview. You should talk to your regional coordinator or national CoS, or seek legal advice if you have questions or concerns.

This information can’t cover everything, but it’s a good start. It shows you what sort of things to think about.
Copyright and ‘subject permission’ – what’s the difference?

We’ve talked at length about copyright – who **owns** an image. Now let’s talk about who’s **in** the image. They’re the ‘subject(s)’.

Care should be taken about publishing (digitally or in print) any image showing a subject who can be identified. This on its own is neither an issue of copyright nor GDPR, but it **may** be an issue of:

- **safeguarding** – is/are the subject(s) vulnerable in any way, perhaps because they’re a sanctuary-seeker, a child, or a person with mental health issues, for example? Could publishing the photo put them at risk?
- **courtesy** – would the subject(s) simply prefer not to have their face appear in print or online?
- **integrity** – are you sure the subject(s) support your objectives, since appearing in your materials may imply that they do?

**understanding** – do the subject(s) understand how you’ll use the image(s) in which they appear? Even if they give you permission, do they understand that it might end up on a website or in print, and do they know when? And do they understand the context – for example, might the image be connected with a political message they aren’t comfortable with?

**Subject permission**

You should always:

- obtain permission **in writing** from the subject(s) (‘subject permission’) to use their image
- ensure that the subject(s) understand exactly how their image will be used
- make sure the subject knows that they can withdraw their permission at any time, and that they know how to contact you should they choose to do so.

**The exceptions to ‘subject permission’**

‘Subject permission’ applies to photos you’ve taken yourself, or which have been supplied by your contacts or a member of the public, or even the subject themselves. It does NOT apply to images you purchase from a stock image library; in those cases, it’s the image library which is responsible for obtaining subject permissions, not you.

You also don’t need to obtain subject permission if the person shown in the image is not identifiable – for example, if it was taken from the back and could be anyone. However, take care: this can be subjective, and the subject may see things differently from you.
FAQs

What is meant by an 'image'?
This covers things like photographs, maps, drawings, cartoons, digital patterns and ‘wallpapers’, paintings, illustrations etc, as well as moving images like videos and animations.

Can’t we just credit the copyright owner?
You can, but it’s not enough on its own – you still have to abide by the law. However, if you contact a copyright owner (or their representative) and they say you have to, or you can only use their work for free if you credit them, then obviously you must.

If we’ve paid a licence fee, do we have to credit the source?
This would be rare. It’s not normally required, but check the policy of the stock image library you used.

Once we’ve paid for an image, can we use it anywhere, forever?
Not necessarily. Some stock image libraries (usually the more expensive ones) place time limits on your usage, or limit it to certain media (eg print but not online), or only to certain countries. It’s best to check the terms of the licensing agreement with each stock image library you use.

Once I’ve bought an image from an image library, can I give it to other people or use it for other purposes?
No. If it was your CoS group which purchased the image, or it was bought by you personally but used for CoS purposes, you don’t have the right to pass it on to other people.

Is this to do with GDPR?
No. Neither copyright nor subject permission come under GDPR or data protection. However, it could become a data protection issue – for example, if you captioned an image with identifying or other personal information.

New web resources to help you
We're setting up a new section on the national website with more information and hopefully in future a set of images which you can legally download. Watch this space: cityofsanctuary.org/guidelines-on-use-of-images