

COPYRIGHT LAW AND USING OTHER PEOPLE'S PHOTOS

1. INTRODUCTION

The guidance in this document comes from the Intellectual Property Office (IPO) document, [Copyright Notice: digital images, photographs and the internet](#), (November 2015).

Our guidance covers what we at Humanists UK consider to be relevant to your role as a celebrant when sharing images via your website or social media channels. Please refer to the full Copyright Notice if you require a fuller explanation of copyright law.

2. THE BASICS

According to the IPO:

‘Photographs, illustrations and other images will generally be protected by copyright as artistic works. This means that a user will usually need the permission of the copyright owner(s) if they want to perform certain acts, such as copying the image or sharing it on the internet.

References to “images” in this Copyright Notice include:

- digital photos taken on mobile phones and digital cameras;
- images that were first generated on photographic film and any digital images created from them; and
- images such as diagrams and illustrations.’

3. WHO OWNS THE COPYRIGHT OF AN IMAGE?

The IPO says: ‘The person who creates an image will generally be the first owner of the copyright.’

Copyright belongs to the **photographer**,
not the people in the photograph.

There are instances where copyright might be owned by someone other than the photographer. For example, if the photograph was taken as part of someone’s employment, the employer will own the copyright. (For more detailed exemptions, please refer to the [IPO document](#).)

With regard to wedding photographs, there may be instances where the couple may buy the copyright to their photos (especially in the case of celebrities), but **in most instances, copyright will belong to the photographer.**

Humanist Ceremonies

Permission from the married couple is **not sufficient** for you to be able to share their wedding photos on social media or your website.

4. PERMISSION

A photographer may choose to allow a person or organisation to license their work. (i.e. To give another person or organisation permission to use an image, often in return for payment and/or on certain conditions for a specific period of time.)

The IPO advises:

‘The vast majority of images on the internet are likely to be protected by copyright, so it is only safe to use it if you have specific permission to do so through a licence. The use of licensed images is usually much safer than using unlicensed images which offer no protection against infringement.’

5. WHAT IF THERE'S NO COPYRIGHT SYMBOL?

Some photographs you will see on social media will have a watermark with a copyright symbol: ©

As the IPO explains:

‘The copyright symbol does not have to be present for copyright to exist, so just because there is no name or copyright symbol associated with a photo or image does not mean the image is not protected by copyright.’

Sometimes uploading and downloading images causes the associated metadata to be removed accidentally. Metadata is embedded within the image and can give details of the copyright owner. Deliberate removal of metadata that identifies the copyright owner is unlawful.’

6. CONSEQUENCES OF COPYRIGHT INFRINGEMENT

The IPO Copyright notice explains:

‘When someone infringes copyright, there are various courses of action that could be taken by the individual or organisation that owns or administers the copyright. The user of the image may be asked to purchase a licence, and a commercial arrangement might be reached after which no further action is taken. However, legal action might be taken by bringing a claim in court which could result in having to go to court for a hearing.’

Humanist Ceremonies

Court cases can be expensive, as they often result in the user of the image paying the cost to use the photo, plus legal costs of themselves and the copyright owner and possibly other financial compensation for copyright infringement, which may amount to more than the cost of a licence to use the image. Further, the user of the infringing copy could also be asked to take down and permanently remove all copies of the image from websites as well unless permission from the copyright owner is secured.

'Deliberate infringement of copyright on a commercial scale may also lead to criminal prosecution.

'Even in situations where people may think their copyright infringement will not be detected, they run the risk of being discovered and subsequently being pursued through the courts.'

7. SHARING AND LINKING TO IMAGES FOUND ONLINE

'Sharing or posting a simple web link to pages where images have been posted publicly online by the copyright owner is usually not restricted by copyright.

'The Court of Justice of the European Union has ruled that internet users should be free to share links to material, for example, photos or videos, providing the material itself has been published online with the permission of the rights holder.'

What this means is that it is OK to click 'Share' and Retweet' to share photos that have been shared by the copyright holder. For example, below is a tweet from a wedding photographer, Boo Marshall who tweeted this photo of a humanist wedding she had photographed:

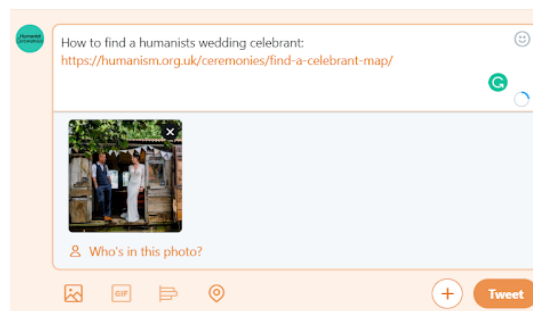


Humanist Ceremonies

It is perfectly acceptable to retweet something like this - and even to add your own message:



What you cannot do - without the written permission of the photographer - is save their photo and then add it to your own tweet like this:



This gives the impression that this is your photo (or that you have permission to use this photo), whereas, in fact, it would be a copyright infringement.

You should always seek permission from the copyright owner before using their images on your website and social media channels.

Copying images you find online and sharing them on your own website or from your social media accounts, will usually amount to copyright infringement.

8. OTHER PERMISSIONS

A very limited statutory right to privacy exists in the Copyright, Designs and Patents Act 1988. This right is held, for example, by someone who hires a photographer to photograph their wedding. The couple has the right not to have copies of the work communicated to the public. However, this right will not be infringed if the rightsholder gives permission.

There is a separate issue of obtaining the permission of the people *in* the photographs. This should be in writing or via email – signed and dated. Subjects’ consent is usually needed for publishing a photograph of identifiable individuals taken in a private place or at a private event.

If a photographer gives you permission to use photos, you must check that they have the permission of all identifiable people in the photos for their images to be shared with the public.

Where this has not been obtained, you will have to seek permission.

9. ASKING FOR PERMISSION

Fabulous, original photographs are the cornerstone of publicity and marketing campaigns. In order for Humanist Ceremonies™ marketing to be successful, we need original photographs of humanist ceremonies. Likewise, you need strong images for your marketing too.

Appendix 1 (on page 7) provides a draft email for you to use when contacting photographers to request permission for you and Humanists UK to use their image. Please download and attach the [Photographer’s Permission Form](#).

10. SOURCING COPYRIGHT-FREE IMAGES

There are websites which provide access to copyright-free images. Some images are free to use and others must be purchased.

When you use these images, you do not need to give any credit to the photographer when you use or share the image.

Please note that if you choose to use images which are free, you are increasing the likelihood that other website and social media users will also be using those images. (For example, The Celebrant Directory uses a lot of free stock photos from Pixabay.)

Images showing diversity in weddings and funerals tend to be behind the paywall.

Humanist Ceremonies

Websites providing copyright-free images:

- www.pixabay.com/en
- www.pexels.com/royalty-free-images/
- www.shutterstock.com
- <https://unsplash.com/>

11. EU NEW RULING

On 26 March 2019, the European Parliament passed a directive to overhaul copyright law in the European Union and put more pressure on platforms such as Facebook, and Instagram to keep copyrighted material (e.g. photos) off their platforms. Each EU member country will now need to write laws based on the directive.

If you adhere to the guidance in this document, there is nothing more you need to do if and when the UK brings in the new directive.

12. SUMMARY

Please ensure that you adhere to Copyright Law. It is your responsibility to keep up-to-date with any new rulings.

REQUESTING PERMISSION TO USE PHOTOGRAPHS

Email template

Dear _____,

I am a Humanists UK accredited celebrant and I recently conducted a humanist ceremony for _____ and _____ on [date] at [venue].

Your photographs of the ceremony are superb and I was wondering if you might be willing to grant permission for me and Humanists UK to use the images in publications, on websites and social media - with the understanding that you have the permission of the identifiable people in the photos for the images to be used in this way.

Humanists UK will be happy to give credit in all publications and to tag you into social media and/or use watermarked images bearing your logo.

If you are happy to grant permission, please complete the attached Photographer's Permission Form and send it to Ceremonies-marketing@humanism.org.uk.

Kind regards,
