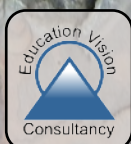


Pixel perturbations...

Using images in schools - legal and copyright considerations

By Mark Baker



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Using images in schools - legal and copyright considerations

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Most teachers will be well aware of the need to try and ensure that children are not flaunting copyright by incorporating in their work material created by someone else, unless they have appropriate permission. It is so easy to use the internet to find photographs that enhance a document or presentation and it can be very tempting to do so without worrying about the rights of the originator or copyright holder.

Morality aside, many commercial providers of digital media take active steps to protect their copyright. After all, copyright breaches seriously threaten their business. Getty Images has a reputation for being especially tenacious. They employ a research team and tracking software to search the web, looking for instances where their images have been used without the appropriate royalties having been paid. It has been reported that when they think that their rights have been infringed, a strongly worded letter to the alleged offender usually follows, demanding payment. The bill can run into thousands of pounds.

Schools probably use more photographs than any other type of media, so what are your best options when guiding children towards images that they can freely incorporate into their work?

Best of all are photographs that children have taken themselves, as they are the copyright holders and, provided they stay within the law, they can use such images as they please. However, it is good practice for them to get permission from anyone who appears in their photographs and can be readily identified. There will be situations where a family may not want their photographs appearing eg on school websites, such as when one of the parents is trying to escape from an abusive relationship, has relocated with their children and is hiding from their partner.

Including people in your photographs

Having people in your photographs should not cause legal problems, especially if the photographs were taken in a public place. However, there are some exceptions, including the following.

- if the picture is being used for marketing/commercial purposes
- if the presence of an individual suggests they are endorsing a particular product or service
- if the picture defames them in some way
- if the picture infringes their right to privacy, especially in countries where specific privacy laws exist

- if the pictures put national security at risk, are being used to prepare for an act of terrorism, etc.

The application of common sense and courtesy should mean you steer clear of problems in the vast majority of instances. However tourists have run in to difficulty photographing military aircraft and sensitive buildings, such as the MI6 headquarters in London (despite it appearing in a Bond film and there being a vast array of images on the internet). I have been warned off when taking photos of the (then) new A380 at Heathrow whilst waiting for a flight and snapping a



train in a Budapest station. I was even stopped and questioned after taking a few pictures in a Minneapolis shopping centre – my behaviour deemed suspicious despite the fact that there was a large fun fair/theme park in the mall and it was clearly a place of public entertainment! However, this no doubt reflects the fears of terrorism that we currently live with and in all cases, cheerful engagement with the authorities concerned meant that everything remained amicable.

Copyright

Photographs that are marked as being copyright, often with the © symbol and possibly accompanied with the words "All rights reserved" definitely cannot be used without first getting clear written permission from the copyright holder. In fact, if there is no indication of the copyright status of a picture, it should be assumed to be "All rights reserved", until proved otherwise.

Copyleft

Copyleft is clearly a play on the word copyright, which has been applied to allow people to freely use such as a photograph, whilst requiring any modified versions, thus preserving its copyleft status. A mirror-image of the © symbol is sometimes used to indicate although it has no legal meaning currently.



copyright! It is used when copyright law distribute and modify a particular work, that the same rights also be applied to "free" nature. A mirror-image of the © where copyleft has been applied,

It is important to realise that works issued under a copyleft licence are not totally "free" and do have conditions attached that should be respected. They are variants of copyright, not an alternative to it. There is no single copyleft licence.

The GNU General Public License was an early copyleft licence that has been used widely with software. However probably the best known copyleft licences are those issued by Creative Commons, a non-profit organisation from California. Their licences were originally drafted in line with US law which may mean that they cannot be applied in other countries. Work therefore started to develop country or jurisdiction-specific versions and Wikipedia reports that by May 2010 there were 52 of these, with more being prepared.



Creative Commons (CC) licences

These licences are made up of three layers. There is the legal formulation or legal code, a plain language version known as "human readable" to make the licences more accessible to people who are not legally trained and finally, machine readable code that can be read by search engines and other software systems.

The licences are as follows:

Licence	Notes
Attribution, CC BY	You can distribute and rework, even for commercial purposes, provided you credit the originator. Eg. "This work is by J Bloggs"
Attribution-ShareAlike, CC BY-SA	You can distribute and rework, even for commercial purposes, provided you credit the originator AND licence any new creations under the identical terms.
Attribution – NonCommercial CC BY-NC	You can distribute and rework for non-commercial use, provided you credit the originator. Your work does not have to be licensed using the same terms.
Attribution – NoDerivs CC BY-ND	Commercial and non-commercial redistribution is allowed, provided no changes are made and the whole work is used, with credit given to the originator.
Attribution – NonCommercial-ShareAlike CC BY-NC-SA	You can rework for non-commercial uses, but you must credit the originator and licence any new creations under the same terms.
Attribution-NonCommercial-NoDerivs CC BY-NC-ND	You can download and share provided you credit the originator, don't make any changes or use them commercially. The most restrictive licence.

Creative Commons also have a CC0 tool which allows licensors to waive all rights and put their work into the public domain, effectively saying "all rights granted".



An example of a Creative Commons logo.

Some sources of images that can be used and re-purposed without payment

Source	Notes
bigfoto.com	Collection of free photographs, you must register to create an account.
Flickr	A photo-sharing site where different copyright terms apply. The default setting when uploading is "All rights reserved" but photographs can be uploaded using Creative Commons licences. You must check the conditions that attach to each photograph. Search "The Commons" for free-to-use material.
FreeDigitalPhotos.net	Free photographs are for smaller sizes only and attribution must be given to FreeDigitalPhotos.net and to the creator.
morgueFile	High resolution stock photographs.
Stock.XCHNG	Over 350,000 high quality photographs. Recently taken over by Getty Images. Check the conditions attached to each photograph.
Wikimedia Commons	A huge repository of freely usable media files.
Wikipedia:Public domain image resources	A list of public domain picture sources.

More information on copyright and schools

See the Education Vision article "Copy right!" available from the [EVC website](#) and the [Copyright and schools](#) website.

References

<http://creativecommons.org/licenses/>

<http://www.policybee.co.uk/blog/4291/designers-are-you-safe-from-getty-images>

<http://en.wikipedia.org/wiki/Copyleft>

http://en.wikipedia.org/wiki/Creative_Commons

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