# COPYRIGHT INFRINGEMENT

When our club/district uses literary works such as songs, poems, illustrations, photographs, charts, videos, or graphs in presentations, club/district websites, online or in newsletters, we must obtain a licence or permission from the author prior to use. *Where the image is a photograph of a person, other legal issues are likely to be relevant as well as copyright law*

# Works commonly displayed on websites include:

* Photographs that individuals have taken for example, on smartphones, tablets or digital cameras and then uploaded onto interactive sites, particularly social-media sites.
* Artwork, diagrams and charts.
* Images that were originally created using analogue technology such as non-digital cameras, but which have been scanned to produce electronic versions.
* This includes any songs, photos, etc. you find on the Internet or created by a Rotary club member.
* Spend time trying to identify the copyright owner and if you do not have permission from the owner, do not use it.
* Look for organisations that provide public copyright licences (Creative Commons), open access images or royalty free licenses. Paying a small fee to use an image is preferable to your club receiving a copyright infringement demand letter.
* Consult a solicitor for assistance in determining copyright ownership if necessary.
* Please know that **“fair use”** is a defence to copyright infringement and is applied on a case-to-case basis and generally applies to commentary, criticism and parody and **would not apply** to a Rotary Club’s activities and promotions.
* If you are using a photograph, video or other recording that includes the image or any personal data of any recognizable person, you must obtain permission from each person (or the parent or guardian of any minor child) before using that photograph, video or other recording.
* There are a number of standard release templates online created by rights, arts or photography organisations that may be a comprehensive basis for your document.

# Common mistakes and assumptions

* “If it’s on the internet, it’s in the public domain, and therefore FREE!”. No it is not…
* “It’s ok, this image is ‘free to use’”. Or it may not be, if the licence is conditional…
* “Not our fault. This is down to [some other third party]!”. But you are held responsible…
* “We didn’t know…”. Alas, not (ever) a defence…
* “Don’t worry about it – who’s going to know?”. And yet the licence-holder might…

# When does copyright arise?

Copyright arises automatically under UK statute when a photograph or other image is created, provided that it is someone’s original intellectual creation (as opposed to purely computer-generated, for example) and fulfils all the other criteria necessary for it to attract copyright protection.

The image itself will constitute an artistic work, while any text accompanying it may be a literary work.