Can I Use that Picture?
The Terms, Laws, and Ethics for Using Copyrighted Images

Can I Use that Picture?

Did you take a picture yourself?

Yes

Was the picture you created an original idea?

Yes

Did you purchase the image or obtain permission from the original source?

Yes

Is the image in the public domain or protected by creative commons agreements?

Yes

Could the image be considered royalty-free or for personal use?

Yes

Would it be considered impossible to obtain permission from the original creator?

Yes

Was the picture created without illegal or unauthorized reproduction?

Yes

Are you using the image for personal, non-profit, educational, research, or scholarly purposes?

Yes

Are you transforming or repurposing the image to create a new purpose or meaning?

Yes

Are you publishing the image in a for-profit or commercial context?

No

Would it be considered reasonable to obtain permission from the original source?

No

Did you do the work to create the image?

No

Is the image available under a Creative Commons license?

Yes

Could you legally use the work?

Yes

Was it created by someone else?

Yes

Was the original creator legally able to create the image?

Yes

Did you obtain permission from the original creator?

Yes

Is the image freely available for use without attribution or other restrictions?

Yes

Is the image protected by copyright?

Yes

Can I Use that Picture?

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 unless the image is created.

Fair Use

The highlights use copyrighted images or work on the images are used for educational, research, or personal use or as long as the image benefits the public good in some way.

Creative Commons

Images that are copyrighted but that the creator has given permissions or on their work. A creative commons license might stipulate, for example, that a work 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 released their copyright or because the creator is dead and no one owns the copyright.

TheVisualCommunicationGuy.com | 2014

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 Instagram can seem easy, it is generally considered morally acceptable to distribute an image that was originally intended to be publicly owned by the creator. This is why you will typically find original images re-uploaded 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’s 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 fine print and other disclaimers to the site when considering using other images as well. Please be careful about using others’ images for personal gain, commercial gain, and even formal presentations without obtaining permission first.