

Guidelines for the Use of Images

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Introduction

‘I found this photograph on the internet. You could use it on your website.’

Be cautious when you hear these words and ask: ‘Where exactly did you find the photograph? Who took it and has the photographer given permission to everyone to use it royalty free and for any purpose?’

Always bear in mind that images you find on the web are subject to copyright and copyright infringements are highly expensive. These guidelines are intended to ensure that all of the University’s students and staff members are aware of copyright laws.

They are courtesy of the Press Office of Friedrich-Alexander-Universität Erlangen-Nürnberg. Please note that these recommendations are not legally binding and should not be considered legal advice. Also, please bear in mind that laws change from time to time and this document covers selected copyright scenarios only.

If in doubt, please consult with the University’s Press and Public Relations Office and/or Legal Department.

General: a person's right to their own image, copyright, exploitation rights

There are a number of legal aspects you should be aware of when you publish images:

Copyright

The person who created an image must give permission for its publication. Permission may be unrestricted or may be limited to use for specific purposes, in specific media, and/or for specific periods of time. The copyright holder has the right to decide whether, and how (name, studio, pseudonym, etc.), it wants to be acknowledged when the image is published.

A person's right to their own image (*Recht am eigenen Bild*)

The person depicted in an image must consent to its publication. Permission may be unrestricted or may be limited to use for specific purposes, in specific media, and/or for specific periods of time.

Informational self-determination (*Recht auf informationelle Selbstbestimmung*)

Persons must consent to their photographs being taken. Consent must be voluntary and informed and must usually be given in writing.

Exploitation rights

Where/in what medium, for what purpose, and for how long are you permitted to use the image? Permission may be unrestricted or, and this is usually the case, may be limited to use for specific purposes, in specific media, and/or for specific periods of time.

Obtain copyright holders' permission before publishing photographs

Please be sure to obtain the express written permission of the copyright holders before publishing photographs, graphic images, logos, texts, maps, etc. Also, please enquire whether, and how, the copyright holders wish to be acknowledged. If you fail to do so, claims for damages may be brought forward against you and cease and desist orders may be placed upon you.

Always be aware that **all** photographs you find on the web, including those you find on the pages of the University of Würzburg or via a Google image search, are subject to copyright.

Before publishing photographs or graphic images on social media platforms, you must obtain a separate permission from the copyright holders and of the depicted person(s) (if any). This is due to the fact that, when you publish photographs or graphic images on social media platforms, you sublicense them to the respective platform and a permission to sublicense is not automatically included in a permission to publish.

Usually, you will also be required to obtain a separate permission before using photographs for marketing purposes or disclosing photographs to third parties (e. g. to persons who attended a graduation ceremony and asked for a photograph for their private use).

Images used in presentations or handouts, on websites, etc.

Please also be aware of copyright laws if you make course materials (including, but not limited to, PowerPoint slides, Prezi slides, and lecture notes) that contain images available for download over the internet. You are merely permitted to 'cite' copyrighted material for educational purposes in non-public settings to explain what you are saying, but you are not permitted to use this material to illustrate contents.

When you make this material available for download over the internet, you are legally considered to be making it available for worldwide use. This constitutes a serious case of copyright infringement. Instead, please use the University's internal WueCampus platform to make materials available to your students and make your materials available to a restricted group of users only. But please bear in mind that it is not 'anything goes' on WueCampus either.

The law allows you to make copyrighted materials available to the participants of the respective course via such platforms, but these materials must be password or enrolment key protected. To read more about what is, and what is not, permitted on WueCampus, please go to <https://go.uniwue.de/52a>.

The same applies, mutatis mutandis, to events that are aimed at a broader audience (e. g. lecture series or public talks) and to events that are filmed (e. g. by the ARD alpha TV channel). During such events, please only use images you are permitted to use for this purpose.

Also, please be sure to acknowledge your source, the copyright holder, and, in the case of music or linguistic works, the publisher.

Photographs depicting persons

Before you take and/or publish photographs depicting students or staff members of the University or other persons, please be sure to obtain written permission from the depicted persons and the photographer for the publication of the photographs in the relevant medium (e. g. internet, social media, flyers, posters). If the photographs depict minors, you must also obtain permission from their parents or legal guardians.

You are planning to take photographs at bigger events, such as graduation ceremonies or public talks, and will not be able to have consent forms signed by everyone attending? Or you invited the press to such an event? Then we strongly recommend that you inform the attendees of the photographer's presence by displaying notice signs in places where they are likely to see them, e. g. on the doors of the event location. If you charge for admission to your event, you must inform the potential attendees of the photographer's presence when they purchase a ticket (e. g. by including a notice in the terms and conditions or displaying a notice sign at the ticket office). It is also advisable that you designate a 'no photography' area for attendees who do not want their photograph taken.

Please note: Individuals who have their photograph taken by a professional photographer (for their CVs etc.) are not automatically authorised to publish this photograph on the web. Before you use such a photograph, please enquire whether the photographer has given permission for its publication on the web.

Forms you may use are available for download on the pages of the Press and Public Relations Office.

Keep records

You might be accused of copyright infringement in relation to materials you created years ago and you will bear the burden of proof when it comes to demonstrating the non-infringement of copyrights. Therefore, please retain contracts and declarations of consent and make sure your colleagues/team members and/or your successors have access to these documents. If you are using images from free image databases, please be sure to record the time and date of download.

Obtain rights of use

You are planning to commission a photographer to take photographs? Or you want to buy stock photos? Before you do so, please ask yourself where, how, for how long, and for what purpose you want to use these photos (now or in the future). The terms and conditions of many stock photo libraries contain provisions on these aspects and some libraries offer a range of options for you to choose from (one-time use, use in perpetuity, etc.).

If you are commissioning a photographer, it is usually advisable that you obtain an irrevocable licence and right to use the photographs worldwide, in perpetuity, without restriction, and in any format for coverage of JMU-related topics in print and web publications issued by JMU and/or third parties and in the social media channels of JMU and/or third parties, the right to make the photographs available to the public, and the right to make them available as free-of-charge press photos. Please also obtain the right to modify the photographs.

Please have the respective rights granted to JMU, not just to your organisational unit (faculty, institute, chair, etc.). If you fail to do so, you will have to obtain the rights anew if you want the photographs to appear in JMU's einBLICK newsletter, the JMU yearbook, or on the pages of JMU's Press and Public Relations Office. Please make sure the photographer warrants the non-infringement of third party rights.

Delete old files

Please be aware that copyright and personality rights are issues you do not only have to consider when you create new materials. It is advisable that you delete old image files if you do not know beyond a doubt that you are permitted to use them.

Always bear in mind that search engines will also find 'old' web pages that are no longer maintained. Therefore, please take the time to delete old HTML files and images.

Checklist

- Have you eliminated all doubts about the origins of the images you are using/planning to use and are you able to provide proof of the origins of said images?
- Do you know who holds copyright to the images you are using/planning to use and have you obtained written permission from the copyright holders for their publication in the relevant medium?
- Have you included the agreed credit line acknowledging the copyright holder and, where necessary, the source?
- Are you able to provide proof of when you downloaded an image from a database?
- Have the depicted persons given their written consent to being photographed and to the photographs being published? Or have notice signs been displayed, informing the attendees of your event of the presence of a photographer? Have you designated a 'no photography' area? If the photographs depict minors: Have you obtained written consent from their parents or legal guardians?
- Has consent been given in perpetuity or for a fixed term?
- Are declarations of consent or licences restricted to specific media or narrowly defined purposes?

Additional information and disclaimer

All information contained within this document was correct on 1 August 2017.

Please be sure to keep up-to-date on changes in relevant legislation. A good source of information is the online magazine 'Recht am Bild': (<https://www.rechtambild.de/>)

These guidelines are intended to ensure that all of the University's students and staff members are aware of personality rights and copyright issues. We have attempted to address these issues in a pragmatic way and to compile a set of guidelines you will find useful in your daily work.

Please bear in mind that this document covers selected copyright scenarios only. If in doubt, please consult with the Press and Public Relations Office and/or the Legal Department.

Please note that these recommendations should not be considered legal advice and bear in mind that laws change from time to time.

The English text in this document only serves the purpose of providing information on the contents of the corresponding German text.