**Photos and images - copyright, fair use etc - do's and don'ts**

Media companies and agencies are losing millions so chasing old image misuse has become a vital revenue stream for some of them and they now have dedicated teams. This makes it particularly urgent for LCC and all local groups to ensure that there aren't photos on our websites that shouldn't be there and that moving forward all local groups adhere to best practice. This will protect LCC from real legal and financial risks, and in the case of freelancers who don't necessarily have the means to pursue their rights, the copyright laws still apply.

LCC has been repeatedly hit by copyright cases from photography agencies for photos our local groups have used improperly, going back years. One or two of these aren't disastrous, but there are lots of these cases coming up, and it's costing LCC money – quite a lot. Some of the images aren't even on blogs or pages easily accessible from the menus of the site. Some aren't even full pics but a part of a composite image someone has created and most are from years ago.

Because of this, local groups should delete all photos from their sites that are old (perhaps before 2018?) and/or in any way suspect. The simplest way to do this is to go into image library on CMS and delete old images that you can't be 100% sure of their copyright. That may cause some formatting issues on the web pages, depending on CMS used, but it is the quickest way to do it. You can also google image search for images before a certain date range. Try an image search such as site:lcc.org.uk before:2018 to find older images on the site.

What photos and images are OK for local groups to use on their website and on social media?

- Those photos, videos and images local group campaigners have created to use for the group – so if a member takes a picture or video of some cycle tracks and says you can use it, you can use it. Ideally get them to say so via email. Even ask them if they need a credit or not – it's just a nice, polite thing to do! And see our safeguarding document for why you shouldn't generally use photos of identifiable children, vulnerable adults etc.!
- Those photos, videos and images that are available to use with or without "attribution" under a creative commons licence. There are loads of search engines, including google, that let you access photos that are labelled "creative commons." https://search.creativecommons.org/ is a good one You can search for non-commercial usage, and each image gives you an appropriate credit in HTML ready to go – which should go under or next to the image. 'Free' images can also be searched on photo sites like Flickr and each image has a set of icons on the bottom corner that shows its reuse rights under 'Creative Commons' and provides instructions for attribution etc.
- The above still counts also for screengrabs from sites such as Google Maps – Google Maps Streetview and mapping has a usage rights section. You can use images, but again you need to be clear on how you need to attribute content to them. (https://www.google.com/permissions/geoguidelines/attr-guide/). If someone wants to use Ordnance Survey mapping, then they need to apply for a licence (the license that the London Cyclist has only covers the magazine not the LCC website or local groups).
- Social media has become an issue with image theft, but if you ask nicely many posters will be happy for you to use their images. Just ask nicely via DM, or send a quick email (if available). The vast majority of people are happy for you to reuse if credited – it's just a courtesy. But no permission, no use.
- "Fair use" images – if you're writing a blog or authoring a tweet about a cycle track in your borough, then official photos from press releases or the council's website of

that scheme are considered a "fair use" of such imagery – but only if there are not copyright or attribution notices next to the image. Similarly, if you want to talk about your council's leader, then a photo from the council website or a council press release is likely to be fair use. If you want to use a photo of the Mayor of London, it should come from his official site or his press releases. The same holds true of products etc. So if you want a photo of a specific firm's specific semi-segregated cycle track product, then you could use the company's promotional images from their website. But you can't use their images for a generic discussion on semi-segregated measures in general (although it will be *fairly safe* to use such promotional images if you're being positive about semi-segregated measures in general, and you credit the company as a photo credit!).

What photos, videos, animated images, maps and content **isn't** OK to use on social media, your site etc.?

- Anything you just find on the internet – particularly on sites such as google, Wikipedia etc. Many sites just use copyrighted content without a care in the world. Just because someone else has reused an image, doesn't mean you can. If you can't be 100% sure where the original image came from, don't use it.
- Anything with a photo credit or attribution where it isn't incredibly clear what your usage rights and attribution needed is. In other words, if there is an image on Facebook that says "Copyright: Reuters" underneath it, you cannot use that image just by putting "Copyright: Reuters" under your image. Indeed, you cannot use it without contacting Reuters and finding out what their price is. Don't do that – just do the stuff above instead. Remember, just using a credit doesn't help you legally if you use an image without permission.
- The above applies even if you edit the photo – LCC faced a claim where a local group cut out the head of Boris Johnson using photo editing software and plugged it onto another picture as a composite. The photo rights agency software found their photo of Boris on a local group's site, despite it being a really old image and heavily edited and still stung LCC for hundreds of pounds!
- If you can't download an image from a site, don't screengrab it and use it anyway – one of biggest ways people get caught out. It's been 'locked' for a reason.
- Don't photoshop or erase 'watermarks' from photographer/agency images. The watermark is there for a reason and means don't touch.
- All of the above applies to illustrations, mapping etc as well.

In other words, if in doubt, don't use it: if you're not entirely sure of your right to use an image, map, video or other content, find an alternative. It's costing LCC money and exposing us to legal risk.

See pages 32-33 in the campaigners handbook for tips about taking photos and issues of permissions and safeguarding.

https://s3.amazonaws.com/lcc_production_bucket/files/13314/original.pdf?1560245719