

## Is Your Internet Image Search Going to Find You in Legal Hot Water Instead?

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All of us have had occasion to search the Internet for images and it is easy to do so, using such tools as Google image search, but are we getting ourselves into legal trouble when we right click and save or copy an image from our search results? Most of the time, the answer is yes! (*i.e.* you may be walking into a legal minefield).

### *The Law (Briefly)*

Digital images and graphics are protected by copyright law, as long as they are a creative and original work of authorship. That is, the photographer or graphic designer who created the image or graphic is automatically the owner of the work the moment it is fixed in a tangible form, subject to certain exceptions such as work-made-for-hire or employee/employer situations (although there is still an owner). Owning a copyright gives the owner the exclusive rights of reproduction, adaptation, publication, performance, and display in the work. Copyright protection does expire, however, the duration of copyright is so long these days many of the images you and I will want are protected and will be for decades to come.

What this means is that you cannot download or use images from your casual Internet image search without doing your homework! Any use of a work protected by copyright without the permission of the owner could subject you to copyright infringement liability, including all of the baggage that comes along with it, such as anxiety-laden cease and desist letters (usually accompanied by a sky-high \$ demand) or even full-blown federal litigation.

### *So Now What?*

Ok, that is all great and all, but the world is a big place, would I actually get caught? As internet searching and imaging technology improves, it is getting increasingly likely that you

would or at least could. Copyright owners or their agents regularly mine the Internet using software-based tools for finding illegal uses of their copyrighted works. In fact, the same tool which often facilitates the original copyright infringement, the Google Image search, can also be used to uncover infringement (using the reverse image search through [Google Lens](#), [Google Images](#), and [Google's Copyright Match Tool](#)). Other copyright infringement sniffing applications include [TinEye](#), [Reverse Image Search](#), and [PimEyes](#). There are dozens more. The bottom line is that it is getting easier and easier to detect image-based copyright infringement.

All that is not worth the stress, aggravation, and money! So, what sort of things should you do to avoid that? Well, first you would want to think about your use of the work. Is it possibly protected by Fair Use? Whether such uses are “fair” is highly fact sensitive, but fair uses often include criticism, comment, news reporting, scholarship, research and/or parody.

If the use probably does not qualify as Fair Use, perhaps you could get an image that is free or is free with a minimum of requirements and/or restrictions. For example, some works are distributed under an open license, such as through [Creative Commons](#), although there may be strings attached such as being licensed only for non-commercial use or a requirement of attribution to the original author or copyright claimant. Additionally, while copyright protection lasts for a long time, it does actually expire or sometimes a work is dedicated to the public by the author; these works are therefore considered to be in the “public domain” and are free for anyone to use in any fashion.

Notwithstanding the above, millions of very fine images are also available from stock photo companies such as [Getty Images](#), [iStockphoto](#), and [Shutterstock](#), however, these companies charge you for licensing the image/video/music and there are usually quite a few levels or layers of permitted uses and their appurtenant costs (read the fine print!). One royalty-

free stock photo site I am aware of, [Pixabay](#), has tons of royalty-free photos but you should still read the fine print with respect to permitted uses and attribution.

### *How can I Search Better?*

Let's be honest, a vast majority of us use the Google search engine to find images. So can we search for "safe" images using Google, and if we can, how?

1. Search using keywords at Google, just like you always have. Click on "Images" from the list of options right under the search bar once you get the search results.
2. Click on "Tools" to the right of the search categories where "Images", "News", etc. are listed.
3. This brings up a filter menu, including a "Usage Rights" category. From here you can choose either Creative Commons (as described above) or commercial use licenses.
4. Additionally, if you actually click on an image which remains after you have applied the Creative Commons or commercial use filters, information on how to obtain rights to the images is included below the image in the image description if the creator or publisher has provided this information to Google. It should be noted that if you don't activate one of the Usage Rights filters, you will just get a generic "images may be subject to copyright" warning.

### *Conclusion*

Searching for images on the Internet is easy these days. However, it is just as easy for the unwary to fall into a copyright infringement trap. Intent is not necessary to prove civil copyright infringement, but you should intend to be selective when using images from an Internet search to avoid legal problems down the road.

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