

Charities Using Photographs on Their Websites And in Publications

When you use photographs of individuals on your website and in publications, there are a number of things to think about:

1. Have you got the consent of the individuals in the photo?

If the people in the photo are identifiable, it is advisable to ask them to sign a simple consent form. This will help to protect the charity from a data protection claim or a claim that it has breached the subjects' privacy rights. If the subjects are children, you may need to ask their parents or guardians to sign.

2. Does the copyright in the photo belong to the charity?

When you engage a professional photographer, volunteer or agency to take a photograph for use on your website or other materials the copyright in that photo will belong to the photographer or agency, not to the charity, unless the photographer assigns the copyright to the charity. This should be done in writing when you first arrange for the photo to be taken. Without this, the photographer may be able to prevent the charity using the photo as it wishes. If the photo is taken by an employee of the charity in the course of his or her employment, the copyright will automatically belong to the charity.

3. Have you asserted the charity's copyright in the image?

Once the photo is on your website or in your publications, it is advisable to make it clear that the copyright belongs to the charity by including a statement under the photo saying "Copyright © *Name of Charity*, 2010", as well as making the position clear in your website terms and conditions.

It is extremely important for charities to identify all intellectual property rights, including copyright, at the outset of any new project. Where possible, it is advisable to put a clear agreement in place to ensure that the charity retains ownership of all and any intellectual property rights. We have come across a number of cases recently where the issue of copyright has been in dispute. It is much harder to deal with copyright ownership part way through a project. A simple agreement at the outset is the best course of action.

For further information, please contact:

Stephen O'Reilly
Assistant Solicitor

020 8394 6486
Stephen.O'Reilly@russell-cooke.co.uk

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