SOMEONE'S USING YOUR PHOTO ONLINE? – WHAT TO DO

(article by Kim Kelcher)

If you have photos posted on social media, a photo sharing site, stock photo agency, or on your own website, chances are some of your images have been used by others without your knowledge and/or permission.

Even though digital images can be licensed at low cost for a variety of uses, many photos are used without the photographer's permission, either through the user's lack of knowledge about copyright laws, or a seemingly widespread belief that pretty much anything on the internet can be used for free.

So how do you know whether someone is using your photo? You can easily check this by using a reverse image search engine such as the Google images feature, or Tin Eye. Many others exist also. Using these usually involves uploading the photo file or its URL to the search engine. If your photo is already showing up within Google images, simply drag the image to the search box to use the Google search engine. Very soon after, any matches found will appear, complete with a link to the website where the match was found. With any reverse image search remember that it is only a snapshot in time. You may want to repeat the search occasionally to see any new uses. Pixsy has a convenient free feature that allows you to upload up to 500 images and have them monitored regularly, and to alert you of any matches that they find.

A person's reaction to someone using their photo without permission can range anywhere from "I don't care" to "it's illegal and I want compensation".

You may be quite happy sharing your photo with whomever, and feel flattered that someone has liked your image enough to use it on their website. You are probably feeling proud, and if your name has been credited to the image you just might be feeling a bit famous. This is just fine, and you should enjoy the moment.

However your reaction may be a bit stronger, in that you don't mind your photo being used, but you definitely want to be credited, or maybe you simply don't want it used at all. In either case you should contact the infringing website and request either that your name be included, or that the photo be taken down. Be aware that the website may not comply with your request.

If you feel that you should be compensated for the use of your image there are options available to you. First would be to try to negotiate payment from the user. Also, companies such as Pixsy (www.pixsy.com) and Copytrack (www.copytrack.com) will undertake on your behalf, whatever negotiations or legal actions are necessary to try to obtain compensation, and they will take a share of any compensation received. However, unless your image is extremely valuable, and you can prove it, this approach is likely not worth your time and effort. This is explained in an interesting account of real-life experience by photographers Tony and Chelsea Northrup found on DP Review.

So what's the best approach to take with your online images? The first rule is simple. If the photo is not something that you are comfortable with sharing, either voluntarily or without your permission, then

don't post it. However, these days it's difficult to totally avoid uploading photos to the internet in some form.

Secondly, upload images at the lowest resolution and smallest size that meets your purpose. There is no benefit to providing a higher resolution or larger image, and doing so only gives the infringing party more options for use of the photo.

Thirdly, consider including a watermark on your image. This won't prevent someone else from using it, but at least you will be credited. Be aware that a watermark can be stripped or cloned from the image, but infringing websites will often use the photo as is, which leaves your watermark intact.

Unfortunately, the possible unauthorized use of our digital photos is part of using the internet, and there's really not too much we can do to completely prevent it. However by taking reasonable precautions about what images we share, and in what form our image files are uploaded, we have some control over the use of our photos.

As a final thought though, we shouldn't lose sight of why we take photographs in the first place, and why we share them with others. With this in mind, the internet provides a tremendous conduit for sharing our work for the enjoyment of others – for our intended audience, and possibly beyond.