

CAPLAW *e-news brief*

When a Picture is Worth More than 1,000 Words... More Like \$1,000, Yikes!

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Have you ever come across a great image on the internet and reposted it on your agency's website or online publication, thinking that so long as you attribute the image to its source, you've covered your bases under copyright law? You might want to reconsider. A number of Community Services Block Grant network organizations have received settlement demand letters from online image galleries, photographers and artists indicating that an image is being used without their permission. These letters seek license settlement fees that are often hundreds or even thousands of dollars and are significantly higher than the cost of obtaining a license to use the image upfront. Many non-profit organizations think that their non-commercial use of an image, particularly if it is taken from a royalty-free or public domain website, will be protected from claims of infringement under copyright law. However, many images found in these galleries are actually offered under and subject to licenses such as Creative Commons licenses. These licenses often contain specific limitations on the use of the image as well as additional requirements, such as making proper attribution, posting copyright notices with the image or indicating whether changes were made to the image. Failure to read the fine print of the license and to comply with its terms jeopardizes the validity of the license and risks turning the use of the image into an infringement case.

The availability of sophisticated image search technology has made it much easier for content owners to scour the internet for images uploaded without a corresponding license and automatically send e-mails alleging infringement and demanding license settlements. CAAs should ensure that all staff members responsible for managing website content are trained to properly handle images created by others, including using the appropriate filters to find images labeled for reuse and complying with the terms of use set forth in the image's license. For more information about this issue, read this [legal alert](#) from the law firm Venable LLP.

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