

Best practice guide to using photos



Protecting copyright

Various legal protections are used to protect the rights of copyright holders. These include:

Cease and desist request

A formal document sent out to an individual / group who is infringing intellectual property (including copyright, trademarks or patents). Typically the document will request specific actions be taken within a given deadline. If such actions are not taken then appropriate legal action may take place.

Digital Millennium Copyright Act (DMCA)

This is actually several pieces of US legislation signed into law in 1998 to protect copyrighted content on digital platforms.

A copyright holder can make a formal request to an Internet Service Provider for copyrighted content to be removed. This is called a DMCA takedown notice. Such requests are typically sent by a legal representative, although there are companies that now specialise in providing this service on behalf of clients.

Litigation

If cease and desist requests and DMCA takedowns for digital works have been unsuccessful, litigation may be used. It should really be seen as a last resort due to the legal costs involved, and financial burden of costs if the case is unsuccessful.

Disclaimer

This guide does not constitute legal advice or legal analysis. Organisations may still need to seek independent legal advice when developing their own processes, or when dealing with specific issues.