

## Copyright matters! August 2019

We have recently found out that some U3As have published pictures on their websites without the permission of the copyright holder. This has led to those U3As being issued with a financial penalty for the unauthorised use of the images. So, this is an appropriate time to explain how we, as a U3A, operate and abide by Copyright Law in using photographs and in using copyright material in the other areas of our activities.

**Using Pictures on the website:** We in U3A South East London are careful about what images we put on our website and try whenever possible to use images that we have generated for the purpose. There are a couple of areas where we might slip up so it is worthwhile explaining the position in relation to Copyright. This advice applies to the use of pictures published in the Etcetera, Programme, or MailChimp and other emails as well as on the website.

First and foremost, every photograph has copyright, it is not related to displaying a copyright symbol ©. Normally the copyright in a photograph belongs to the person who actually took the picture, although it could be that the photographer has been commissioned and has agreed that the copyright can be transferred to their client. Either way the copyright holder has legal rights over the use of the image. Many photographers earn the majority of their income from copyright fees and the law is set up to protect their interests.

We should ensure that whenever we publish a photograph we have permission to use it.

A case study might help explain the situation.

**Case study publicising a holiday or outing:** If we were putting out a handout about a holiday and illustrating that with a picture of the hotel, we would need to make sure that we had permission to use the photograph. It is not acceptable to use a search engine to find a picture on the web and then to use it without permission. In this case a simple email to the hotel asking for a photograph or jpeg file that we can use to publicise the holiday would obtain both the image and the agreement that we could use it. Similarly, if your group was publicising an outing, to say a stately home, an email will usually obtain a suitable image.

If requesting an image be as clear as possible state exactly how you will use the image “We would like permission to use the picture for free in the publicity for the event both in print and on our website”. Do not ask for a licence to use the picture which implies you would pay a fee.

**Using a photograph taken by a member:** We do not have an automatic right to use photographs taken by members. If you want to use a photograph taken by a member to publicise your group, you should always ask them first. This would be in line with our normal established procedure for the Newsletter which is to ask the member concerned if we can use the picture. The best way is to ask by email so that you have a record of the response. If

a member sends in an unsolicited photograph a simple reply by email saying "Thanks for the picture that you have sent which we will use on the website" will create a paper trail.

## **General Data Protection Regulations and Photography**

The GDPR gives certain rights to individuals about the use of their image.

Many organisations document their events and activities through photos and videos. Like other activities, you should be clear on whether this is justified under 'legitimate interests' often it is reasonable to expect that you will document your activities, so specific consent may not be required. Photographs of people (even in groups) can be seen as personal information, especially if accompanied by other personal details. While consent may not be required in all cases, it is still good practice to respect the privacy of individuals if they request not to be included in images. If captioning images consider whether you need to use the full names i.e. "*Roger and Sue relaxing over a cup of tea at the New Members*" meeting rather than "*Roger Brown and Susan Smith*". However, it would be usual to name in full members of committees or trustees

It is normally sufficient to display a notice at meetings and other events with wording like this:

*"Please note we may take general photographs of this event to publicise our work.*

*We may also wish to set up and photograph some smaller groups.*

*If you would prefer not to be included in these groups please speak  
to our photographer beforehand.*

*Thanks for your co-operation"*

**Copying documents:** We, as a U3A have a separate agreement in relation to copying of material to be used within groups for research or studying. This is called a Copyright Licensing Agency licence. For an annual fee this allows us to copy extracts from books etc. for our internal use. There are limits as to how much of a publication we can copy, this is up to 5%, one chapter or one article. This agreement is not all encompassing. We cannot copy Ordnance Survey maps, newspapers or printed sheet music or words. This licence does not automatically cover use on our website or other forms of publishing where members of the public can see the image.

There is no blanket licence for multiple copying of sheet music; this is illegal unless it is no longer in copyright. Agreements for the copying of music is dealt with on a case by case basis by the Music Publishers Association at [www.mpaonline.org.uk](http://www.mpaonline.org.uk).

**Playing music and DVDs:** In relation to recorded music the Third Age Trust holds a PPL licence which allows us to play recorded music in public. The use of DVDs is usually covered by an exemption in Copyright law which allows the use of videos or DVDs for educational purposes; however this does not include the copying of material.

If you have any questions about copyright please direct them to the Chair or Secretary who can supply further advice and information. See also Advice Sheet 10 from the Third Age Trust

