

Photographs

- 1 Legally a photograph is anything that appears as a **still image**. This includes images made with processes such as X-Rays, lidar and thermography as well as using a conventional film or digital camera.
- 2 When you take an image, with sufficient skill and effort, it gains benefit of copyright **immediately**, even if it cannot be viewed yet. Any **metadata** embedded in the image is also protected by copyright as part of the image itself.
- 3 The **first owner** of copyright in a photograph is the person who created it, unless the image is taken in the course of their employment. In that case the copyright belongs to the employer. If you hire a **freelance** photographer the copyright belongs to them unless you both agree to transfer (assign) it in writing.
- 4 **Ownership** of a photographic print (or other tangible, physical media) does not automatically mean ownership of the copyright in it.
- 5 Photographs taken for you **socially or domestically**, such as a family portrait or photographs of a wedding, are **private** to you and the photographer cannot otherwise use them without your permission even if they retain copyright.
- 6 As a photographer you also have **moral rights** associated with your images. In the UK you must assert your authorship and it is good practice to do this by including your name in the image metadata.
- 7 You can photograph buildings, sculptures or works of artistic craftsmanship that are **permanently** displayed in a public place or in premises open to the public. This is sometimes called '**freedom of panorama**'.
- 8 You can take a photograph from **anywhere you have permission** to be, unless you are informed otherwise. Photos you take of people or on private property may have **privacy** implications. In most professional circumstances agreements called a model or property release are needed.
- 9 If you **incidentally** include a work in a photograph, for example because it is in the background, then you may not need permission.
- 10 Copyright in photographs **lasts for 70 years** after the year in which the photographer died. Working out whether an old photograph is still in copyright is complicated, as the rules have changed over time. The current rules apply to all photograph taken from August 1989 onwards even if they have not been published.

See also: *Copyright Basics, Moral Rights and Exceptions & Fair Dealing*

This document is one of a series of introductions to the rules that apply to most copyright works in the UK and does not purport to offer legal advice. Some special cases apply and in case of doubt appropriate advice should be taken.

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