



Use of Third Party Images on School Websites or other media

Copyright Law

Under UK law, most creative works – including photographs, illustrations, and graphics – are automatically protected by copyright from the moment they're created. You don't have to see a copyright symbol or registration for protection to apply.

Copyright for photos is governed by the **Copyright, Designs and Patents Act 1988**. This law gives the creator (often the photographer or image maker) exclusive rights to control how their image is used – this includes copying, sharing, altering, or displaying it on your website.

This means that just because an image appears online (even if it's public on Google Images, Instagram, or Pinterest), it doesn't mean you can use it freely and doing so could result in legal action against you and your business. Therefore, if you want to use a third-party photograph on your website, you must obtain the copyright owner's consent first.

If you use a copyrighted photo without authorisation, you could face:

- **Takedown notices** – copyright owners can request that you remove images immediately.
- **Financial claims** – you may be required to pay a fee or settlement for unauthorised use (sometimes even years after the fact).
- **Legal action** – in serious cases, copyright owners can take you to court, which is costly and damaging for your brand.
- **Reputation risk** – it doesn't look good for your business to ignore copyright rules, especially if you receive public complaints or online shaming.

In short, it's best to ensure you have the right to use every image before uploading it. This protects your business and prevents time-consuming disputes later on.

Claims for illegal use

These types of claim are very common. Copyright owners or their lawyers or agents regularly send out demands for payment, most of them in a very standard format. They usually seek payment of unpaid licence fees for the use of an image on a website or in materials which have been published on a website.

There are certain, narrow statutory exceptions to copyright infringement which exist under UK law, such as the exceptions for educational purposes like research and study or teaching school pupils in classrooms and for reporting current events, but they do not cover publishing images on publicly available websites for purely illustrative purposes, even where the purpose is purely non-commercial. Even in the case of reporting current events, the exception does not apply to photographs.

The copyright owner or the enforcement agent on the owner's behalf will therefore be able to claim damages for the infringement if they can prove ownership of the copyright in the image satisfactorily. Whether such use was unintentional or otherwise is usually irrelevant as far as copyright law is concerned: reproduction and publication without a licence constitutes an infringement, giving rise to a claim for damages or an account of your profits. In most cases, the copyright owner's own lost profits are an unpaid licence fee. The licence fee will vary



from case to case and will be what the copyright owner would have charged for authorised use of their image.

Do we have to pay?

Unfortunately, once an infringement takes place, the copyright owner is entitled to damages or an account of profits, as well as its legal costs and interest. A licence fee is typically a few hundred pounds in these sorts of cases.

You could ignore the claim completely. We have heard of instances where the copyright owner simply goes away because it is not economical to pursue one infringement. However, there is a risk that they will pursue it further and request more money or commence proceedings against the School or even against a group of alleged infringers at the same time to make the litigation more economical. It is therefore often better to pay the licence fee in order to avoid costs escalating and having to incur your own legal costs and potentially having to pay their external lawyers' costs too if litigation is initiated.

How can we check validity of a claim?

Copyright is an unregistered right and a copyright infringement claim needs to be supported with evidence of creation and ownership of the copyright work. It must therefore be made clear in any enforcement letter that the claimants own the copyright in the image or only have a licence to distribute it.

If it is not clear, you could respond to Copyright Advisor asking them to provide (i) proof of creation of the image in question and (ii) proof of ownership of the copyright in the image by virtue of an assignment of the copyright or, alternatively, evidence of rights to license and distribute the images.

It is always worth checking the validity of any such claim - in one instance an agent sent proof of entitlement to represent their client and a "Confirmation of Rights Holdership" document, but refused to provide evidence when requested of creation of the image in question and evidence of ownership of or the right to exploit the copyright in the image, and therefore the claim was dismissed.

Obtaining Permission

There are a few common ways to safely use a third-party photograph on your website, which include the following methods.

- **Contact the Copyright Owner Directly** – If you can identify the copyright owner of the photography you want to use, you can contact them directly to ask for permission. This may involve paying a fee or agreeing to certain conditions.
- **Use a Stock Image Website** – Stock image sites like Shutterstock allow you to purchase licenses to use stock photos commercially. These licences typically come with restrictions on how you can use the photography and how many times you can use it.
- **Use Images in the Public Domain** – Images in the public domain are not subject to copyright restrictions. This includes pictures over 70 years old, as well as images that have been released into the public domain by their creators.



Best Practices For Using Images Online Legally

- Always secure a proper licence or written permission before using any third-party image.
- Keep clear records and documentation for every image you publish. Save emails, receipts, and licence agreements for future reference.
- Give appropriate attribution when using Creative Commons or other licensed images that require it. This is not just polite, but legally necessary.
- Use reputable sources for stock images and public domain content – avoid dubious “free image” sites with unclear ownership.
- Consider creating your own photos or hiring a photographer for unique, worry-free image assets.
- Consult a legal professional if you are unsure about the legal status or licensing of a photo. This small step can prevent large headaches later.