Can I Use that Picture?
The Terms, Laws, and Ethics for Using Copyrighted Images

*Special thanks to “The Visual Communication Guy,” Curtis Newbold, for allowing APUS to adapt his original work.*

- **Yes!** If you took a picture with your camera or if you drew or designed an image and the concept was completely your own, you automatically own all copyrights to it and no one can use it or distribute it without your permission.

- **No!** If you used a picture that is so similar to someone else’s that it might be thought of as theirs, you cannot use your picture for anything other than personal use.

- **Yes!** If you use an image in an educational or research setting, for limited non-profit uses (don’t distribute on a brochure, for example). You cannot however use the image for commercial purposes in the classroom as this is a form of profit.

- **Possibly.** On a case-by-case basis, an image may be safe to use under fair use laws if the image is published in a non-biased way or in order to inform or educate the public for the public’s good.

- **Yes!** If your picture is in the public domain (meaning the original creator(s) released their rights to the image) or if you purchased the image and its copyright (like from a stock photo company or from a photographer), you can feel comfortable using the image for whatever you like. If your image is protected under creative commons, be sure to check the conditions under which you can use it (you may not be able to modify it or profit from it, for example). If you are uncertain if the image is in the public domain or creative commons (or if the photographer has sold the copyright to you, assume it is not) and avoid using it until you’ve obtained permission.

- **No!** If you couldn’t answer “yes” to all of the fair use questions and you haven’t purchased or obtained permission to use the image, you should consider it unethical to use the image, regardless of where you found it. It is not only considered unethical to use another person’s or company’s image without permission, it is illegal.

**Ask Yourself the Fair Use Questions**

- **Yes** if you took a picture with your camera or if you drew or designed an image and the concept was completely your own, you automatically own all copyrights to it and no one can use it or distribute it without your permission.

- **No** if you used a picture that is so similar to someone else’s that it might be thought of as theirs, you cannot use your picture for anything other than personal use.

- **Yes** if you use an image in an educational or research setting, for limited non-profit uses (don’t distribute on a brochure, for example). You cannot however use the image for commercial purposes in the classroom as this is a form of profit.

- **Possibly** if the image is published in a non-biased way or in order to inform or educate the public for the public’s good.

- **Yes** if your picture is in the public domain (meaning the original creator(s) released their rights to the image) or if you purchased the image and its copyright (like from a stock photo company or from a photographer), you can feel comfortable using the image for whatever you like. If your image is protected under creative commons, be sure to check the conditions under which you can use it (you may not be able to modify it or profit from it, for example). If you are uncertain if the image is in the public domain or creative commons (or if the photographer has sold the copyright to you, assume it is not) and avoid using it until you’ve obtained permission.

- **No** if you couldn’t answer “yes” to all of the fair use questions and you haven’t purchased or obtained permission to use the image, you should consider it unethical to use the image, regardless of where you found it. It is not only considered unethical to use another person’s or company’s image without permission, it is illegal.

**Copyright**
The protection given to any created image or work from being copied or distributed without permission. All images are immediately given copyright to the creator when the image is created. You can visit the Copyright Campus Guide here to learn more.

**Fair Use**
The legal right to use copyrighted images as long as the images are used for educational, research, or personal use or as long as the image benefits the public good in some way. Fair Use only applies to the United States and Israel. Before using works created outside the United States, please email copyright@apus.edu for a consultation. Read more on Fair Use.

**Creative Commons**
Images that are copyrighted but that the creator has put provisions on their use. A creative commons license might stipulate, for example, that an image can be used as long as it isn’t modified in any way. To learn more about Creative Commons, click here.

**Public Domain**
Images that no longer have copyright restrictions either because the creator willingly relinquished them or because the creator is dead AND no one owns the copyright. Also in the Public Domain are works by the United States Government and works created prior to Jan 1, 1923. Go here to learn more about Public Domain.