

A simple copyright guide for newsrooms using eyewitness media

This advice applies to UK law and is not intended to be a comprehensive guide to all of the situations that may arise

Have you been granted permission by the uploader to use the video or photo?

YES

NO

Do you have confirmation from the uploader that they took the photo or video?

Are you working with video?

YES

NO

YES

NO

STOP!

STOP!

You cannot obtain permission from anyone other than the content owner. Be specific with your questions and always ask 'did you take this photo' instead of 'is this your photo'?

The fair dealing exception does not apply to photographs so you are not permitted to feature a photograph in your reporting without permission from the person who took it, regardless of whether it has previously appeared on social media. There is also a fair dealing quotation defence but it is unlikely to apply in these situations.

HINT

Could your decision to publish be considered a breach of privacy or require an additional licence? Does the content feature any music or named brands, for example?

Are you sure there are NO third party rights to consider?

YES

NO

STOP!

GO AHEAD AND USE

But ensure you have defined clear usage rights. For example, have you defined a length of time, types of media, and discussed their desire for credit or payment?

Seek legal advice to ensure you are not vulnerable to third party copyright claims.

HINT

Generally, the older the news event the less likely it is that the fair dealing exception will apply. Bear this in mind when featuring eyewitness video footage in online news pages.

Are you using the video for the purpose of reporting current events?

YES

NO

STOP!

Fair dealing in this context is only likely to apply when the video is used for the purpose of reporting current events. To feature a video in your reporting for other purposes, you must first gain permission from the owner or consider whether another fair dealing exception applies.

HINT

EU copyright exceptions require indication of the source, including the author's name, unless this turns out to be impossible.

Are you able to appropriately acknowledge the content owner?

YES

NO

CONSIDER EMBEDDING

Although you may legally embed the video from a social network, remember that ethical considerations should still apply.

Has the content already been made public with the consent of the content owner?

YES

NO

GO AHEAD AND USE

STOP!

For the duration of the news event only.

You should not rely on the fair dealing exception if it does not appear that the content owner has knowingly consented to publication beyond their controlled or private networks.