



VETERINARY BUSINESS ADVISORS, INC.
Counsel for the Veterinary Profession

**Two Things You THINK You Know About Online Pictures,
But You Have NO IDEA**

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We have all heard the warnings, “be careful what you post on the internet you never know where it will end up.” Or how about, “downloading free music, pictures, and videos?”

“C’mon it’s 2011, my Facebook privacy settings are iron clad, my music is from iTunes and I just post comics I get off of Google.”

Perhaps your mother cannot access your page directly but did you know Facebook could sell those pictures to a third party? Or how about those pictures from Google... Do you have a license to use that comic? Image leasing has taken the internet by storm and whether you know it or not it affects you!

In the news lately it is being reported Facebook has received complaints people are finding their pictures on Facebook ads and they never gave Facebook permission. Turns out all Facebook users have given Facebook permission, likely without even realizing it. In Facebook’s fine print, it states by posting pictures to the website you grant Facebook “...an irrevocable, perpetual, non-exclusive, transferable, fully paid, worldwide **license** (with the right to sublicense) to use, copy, publicly perform, publicly display, reformat, translate, excerpt (in whole or in part) and distribute such User Content for any purpose, commercial, advertising, or otherwise....”

“What does that mean?”

Facebook does not OWN your photos but by agreeing to Facebook’s restrictions to join and use the website; you are agreeing to give Facebook a license to post your photos wherever they see fit. A license is the legal right to use property as if you had ownership during a period of time or unlimited. According to the Facebook contract above, Facebook users are allowing a license which cannot be revoked, is on-going and even transferable. Transferable means they can pass it on to a third party including public forums. If you are not careful, next time you search Google images; do not be surprised if you find your own picture!

Google images are another image license trap. Google images allow you to search for an image of whatever you choose in what seems to be an endless library of images. We use these images in our Facebook posts, Blogs, presentations and even on some of our websites. What you may not know is often times Google images are from sources which charge to use their images such as istockphoto and Getty Images.

“People do not actually get caught doing that, do they?”

Absolutely! A veterinary practice was updating their website and one of the staff members, a technician, thought it would be cute to put a picture of a dog on the website. The technician searched Google images and found an image of a dog she liked and posted it to the website. Everything was going great when all of a sudden a few months later the practice owner received a letter in the mail from an image company, whom we will call ‘IC’. IC’s letter asserted the practice had been using IC’s image without their permission and attached an invoice for \$1,025.00. The owner tried to dispute stating his technician got the image from Google and he just was not aware. Unfortunately for the practice owner, ignorance did not save him from the legal ramifications of his staff’s action.

“How can I protect myself?”

When using images that do not belong to you, the key is KNOW where they come from. There are multiple websites which allow you to purchase licensed images and even a few that allow you to use images for free, for example <http://www.freedigitalphotos.net/> or <http://office.microsoft.com/en-us/images/>. Licenses can be purchased on a tiered basis depending on usage type. For example, Getty Images will charge \$168.00 to use one of their images for advertising on your social media website for a month. If you wanted to use that same image for a month on the homepage of your website it will cost \$460.00. When it comes to Facebook using your images our advice is, “Don’t post anything you would not want your mother to see!”