

Guidelines for re-using images from Wiki sites

When searching for images for commercial use we often turn to Wiki sites as first port of call, but are all the images safe to use for commercial purposes?

Top Tips

- Not everything posted in the Commons or Media sites or used on a Wiki page is in fact open access.
- Some images (particularly in Wikipedia), are there with an explanation that they are used on the site because they are all over the web and nothing else could be found or the licence holder could not be found.
- Not everything that says it is “Public Domain” or “Creative Commons 0” actually is, depending on where you live.

Creative Commons Licence

When searching for images on Wiki sites it is easy to scroll down to the rights section below the image and open the blue “More Info” button to check what kind of licence the image carries.

There are various types of “CC” (Creative Commons) licences and the letters after CC tell you whether any restrictions apply, such as whether you are permitted to change the photo e.g. crop it or incorporate it into another work (ND) or you may not be allowed to use it commercially (NC). Explanations for the various letter codes can be found here <https://creativecommons.org/licenses/>.

Examples

Works of art – when is a photo not really public domain?

There are several reasons for this, which include the following:

1. The public domain status for works of art may only apply in the USA. This is based on the judgement from a US Court case (Southern District of New York State) between Bridgeman Art Library Ltd and Corel Corporation when the judge ruled that (there was no separate copyright in a “slavish copy” of a two

dimensional work, using the term slavish copy to apply to any 2-dimensional copy regardless of whether there was any skill in the photographyⁱ

2. In the US, if a work of art was published in 1923 or earlier, it is automatically in the public domain – but only in the US.
3. Individuals may have uploaded photographs they took in a museum, of a work that is in the public domain, but although many museums and galleries allow photography it is usually strictly for personal use and study. By entering the gallery and taking photos the person has automatically entered into a contract with the museum (even if they are not aware of the fact) which restricts them from sharing their images and you from using them.
4. The life plus 70 years rule is not universal: some countries offer longer and some shorterⁱⁱ.

Landscapes and architecture

A photo of a landscape that was uploaded by the photographer is far less likely to be problematic, as long as it was taken from public ground. But there are still some pitfalls:

1. Photos that were linked from other photo-sharing sites (especially Flickr) where the rights statement has changed. The default setting was changed from CC0 to All Rights Reserved nearly 10 years ago, but images linked onto Wiki have not necessarily been updated. Always click the link to the source of the photo to check the current rights statement.
2. The right to photograph buildings from a public space is also not universal. France and the Benelux countries (amongst others), protect architectural exteriors, so if you want to publish worldwide, even if only in the English language, you should be aware of the restrictions. https://commons.wikimedia.org/wiki/Commons:Freedom_of_panorama

Important to remember...

No CC licences give you any guarantee that an image is safe to use – it is up to you to check that there are no restrictions in using the image but it usually only takes a quick check.

Useful websites that can help you source the original location of an online image:

- Tin Eye - <https://tineye.com/>
- Google Images - <https://www.google.com/imghp?hl=en>

ⁱ <https://law.justia.com/cases/federal/district-courts/FSupp2/25/421/2325910/>

ⁱⁱ https://en.wikipedia.org/wiki/List_of_countries%27_copyright_lengths

This resource has been adapted from blog post *Is it Safe to Use? – Guidelines for re-using images from Wiki sites* by Julia Ruxton, Consultant and Rights Researcher, April 2020.

Disclaimer: None of the information contained within this document should be construed as legal advice. Should specific legal advice be required, please consult the appropriate legal advisor.



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