

Copyright and Social Media

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The basics

- When something is posted on social media, it is published and has the same copyright implications as if it was published in e.g. a book, magazine or the internet.
- Social media content is not 'free to use'. The terms do not allow third parties to utilise content free of charge for commercial purposes.
- Copyright is infringed often on social media.

What do we agree to when posting on social media

- The Terms of Use for the most commonly used social media platforms are similar in terms of how they deal with Intellectual Property Rights:
 1. The user must own or have been give authorisation to use or share the content they post. This means that if you upload content, you take on all the responsibility and subsequent risks for the legality of the content that you are posting.
 2. When you post on social media you will give the platform provider a licence to use that material how they see fit, including the right to use and sub-licence the material. The example of Twitter:

By submitting, posting or displaying Content on or through the Services, you grant us a worldwide, non-exclusive, royalty-free license (with the right to sublicense) to use, copy, reproduce, process, adapt, modify, publish, transmit, display and distribute such Content in any and all media or distribution methods (now known or later developed)... You understand that we may modify or adapt your Content as it is distributed, syndicated, published, or broadcast by us and our partners and/or make changes to your Content in order to adapt the Content to different media. Twitter's Terms of Service, accessed 1 July 2019

3. Facebook and privacy, an example:

You can end this licence at any time by deleting your content or account. You should know that, for technical reasons, any content that you delete may persist for a limited period of time in backup copies (though it will not be visible to other users). In addition, content that

you delete may continue to appear if you have shared it with others and they have not deleted it. Facebook Copyright Policy, accessed 1 July 2019

4. Social media sites reserve the right to amend the Terms at any time
5. When posting to Wikipedia – all text and many images are available under a Creative Commons CC BY SA licence and the GNU Free Documentation Licence. This cannot be retracted. You can choose what licence you attribute to images.

Top tips

1. You may be able to use third party content under certain exceptions e.g. quotation, and parody and pastiche.
2. Remember that content is not generally 'free to use'.
3. When you post content on social media, remember that you will give the platform a generous licence to reuse the content you post.
4. Be aware of the provenance of content. It might be that a user purporting to have created a piece of content is not the original author and does not have the right to licence it.
5. Copyright is infringed often on social media.
6. If you believe your content is being infringed, platforms such as YouTube have tools such as Content ID that can help as well as Notice and Take procedures.
7. Looking for an image? Try websites which have images that can be freely used with few restrictions such as Art UK, Rijksmuseum and the Wellcome Collection.

Helpful resources

- **Naomi Korn Associates resources** – A collection of free and openly licensed copyright, licensing and data protection help resources.
www.naomikorn.com/resources
- **Intellectual Property Office (IPO)** – Intellectual property rights resources, information and updates on

UK legislation. www.gov.uk/government/organisations/intellectual-property-office

- **Heritage Digital guide: Working with volunteers: Copyright considerations** – A guide providing information on best copyright practices when it comes to managing or supervising volunteers. This resource includes an editable template Deed of Copyright Assignment that you can use with your own volunteers. www.charitydigital.org.uk/resources/digital-guide-working-with-volunteers-copyright-consideration
- **Heritage Digital guide: Heritage Organisations and Exceptions to Copyright** – A guide providing an essential overview of the various UK copyright exceptions that can be used by heritage organisations to support their digital strategies. www.charitydigital.org.uk/resources/resources/digital-guide-heritage-organisations-and-exceptions-to-copyright
- **Heritage Digital guide: A Guide to Copyright and Working with Suppliers to Create Digital Content** - Best practice steps and guidance to help heritage organisations manage copyright effectively when working with suppliers (for example freelancers, web developers, photographers or commissioned artists). www.charitydigital.org.uk/resources/resources/digital-guide-working-with-suppliers-to-create-digital-content
- **Heritage Digital guide: Brexit, Intellectual Property Rights and Heritage: What you Need to Know** - Information and guidance for heritage organisations about IP changes following the UK's departure from the EU. www.charitydigital.org.uk/resources/resources/digital-guide-brexit-intellectual-property-rights-and-heritage
- **Copyright User** - A website providing guidance and resources about using copyright resources www.copyrightuser.org
- **Creative Commons** – Details about the different types of CC licences and sources of CC licenced content. www.creativecommons.org
- **Publication: Information Law: Compliance for librarians, information professionals and knowledge managers, by Charles Oppenheim, Adrienne Muir and Naomi Korn** – A book presenting the tried and tested 'Compliance Methodology' for organisations seeking to navigate the complex legal landscape of the information professions. www.facetpublishing.co.uk/page/detail/?k=9781783303663*

Disclaimer: The contents of this resource are based on the assessment of Naomi Korn Associates Ltd at the time in which the resource was created (May 2021). The contents should not be considered legal advice. If such legal advice is required, the opinion of a suitably qualified legal professional should be sought.

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