



This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.

Guidelines for Publishing Images

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Nonprofit organizations frequently publish images to convey their mission and impact. Whether using photographs, artwork, or computer-generated pictures, it's crucial to navigate the legal landscape and ensure lawful and ethical use of images, including those created by volunteers and generated by AI. Additionally, nonprofits must obtain photo waivers and approvals from individuals featured in your photos to respect their rights and privacy.

What types of images should an organization use?

To avoid related legal risks, you should follow some best practices on selecting images:

- Use images that you or your staff created or photos you or your staff took.
- Acquire images from trusted sources with their written permission or agreement.
- Use accurate and truthful images, without misrepresentation or deception.
- If an image contains a real person's likeness, get their consent in writing before publishing it. If taking photos at a group activity for later use, consider getting written permission upon guests' registration or with a consent notice at the venue.
- *Do not simply download unlicensed images from the internet and republish them without permission. The concept of "fair use" does not normally apply for nonprofits. For more information, please review [this relevant PBPA guidance](#).*

In addition to avoiding legal risks, also consider publishing images that are:

- Respectful, inclusive, and consistent with your organization's mission and values.
- High-quality and professional-looking to reflect and enhance your nonprofit's reputation.
- Relevant and appropriate for your purpose, audience, and context.

Where can I get images to publish?

There are four primary sources of images to consider: 1) non-professional photographers, 2) professional photographers and stock photo companies, 3) AI-generated platforms, and 4) the internet.

You may obtain and publish images from **non-professionals you know**, like staff or volunteers, or **from professionals or companies**, like photographers or stock photography websites, so long as you have obtained permission or have the right to use the images.

- Images created or photos taken by staff for the nonprofit do not require additional written permission.

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- For images taken by non-staff, (this includes volunteers, contractors and paid photographers) you need permission in writing to publish the image. Permission can be by email, photo release, or other commercial agreement.
- Permission for images you acquire from a professional photo or image provider should come in the form of a written license agreement.

You might even create images yourself **using generative AI tools**. As of the date of these guidelines, AI-generated images do not have an author and are not generally protectable under US copyright law, so you do not need permission from an owner to publish it. As a new way of creating content, however, there are some risks. Some guidelines to consider when creating and using AI-generated images include:

- AI-generated images should not duplicate or refer to existing copyrighted images, famous people, or other identifiable products or brands.
- Like any AI-generated content, a person should always review and approve it before publishing it.
- Do not describe the image as authentic or human-created if it is substantially AI-generated.
- Avoid unwanted bias and stereotyping, while considering inclusiveness with any AI-generated people in the image.
- If obtained from someone else, follow any use limitations from the provider.

If you **find an image posted online**, your nonprofit should not assume the image is available for reuse. Some images are offered under a Creative Commons license, another “open” license, or with explicit permission. However, understanding and applying these terms and conditions can be complicated. If you are not sure, reach out to the image owner to confirm the license, seek advice from your attorney, or select a different image.

- If an online image is not specifically marked as available to reuse, then do not assume it is.
- Instead of copying and republishing another’s image, sometimes you may be able to simply link to the image’s website or social media post. Permission is not required for these actions.

When do I need to get permission from people in a picture?

Before publicly posting photos online or in printed materials, it’s best to first get permission from the individuals identifiable in the images. Laws vary by state, but generally individuals have a right to protect their likeness from being used for endorsement or other financial gain without their consent, known as the “right of publicity”.

The risk and liability of using an individual’s likeness without approval can increase when used for marketing or endorsing the nonprofit. Publishing the likeness of children, people in need, people with health challenges, or other nonprofit beneficiaries without their (or for minors, their guardian’s permission) can lead to additional legal risks.

What can happen if the nonprofit publishes an image without permission?

Photographers and other image creators can demand significant fees under copyright law for unauthorized publication (also known as infringement) of their images, often much greater than an original license fee. If you receive a demand or notice from a law firm or image owner demanding

compensation or that you stop using their image, carefully review the matter and, as necessary, discuss with your lawyer.

If you did not obtain permission from individuals shown in published images or they change their mind and ask for their likeness to be removed, you should strongly consider removing the image until consent can be given or their likeness can be removed. If you dispute the request, you should seek legal counsel and address the matter quickly.

You may lose trust and credibility if you use images that are inappropriate, inaccurate, or do not otherwise reflect your nonprofit's mission or values. Keep in mind that if images are used in printed materials, it can be more difficult and costly to republish the materials. Before publishing images in printed materials, take special care to confirm both permission from the image creator to print the image and from any individuals in the image to use their likenesses.

What are some example scenarios to consider?

Scenario 1 – Using a Picture Found Via Internet Image Search

A nonprofit organization is updating its website with images from past events to showcase its work and attract donors. In the process, the organization's marketing team searches the internet for images related to their cause and finds a striking photograph that perfectly captures the spirit of their mission.

Risk:

The organization decides to use the image without verifying its permission. However, it later turns out that the image was copyrighted, and the photographer takes legal action. As a result, the organization faces potential legal penalties, damage to its reputation, strain from time and resources spent investigating and addressing the issue, and potential compensation to the photographer.

Preventive Measures:

To avoid copyright infringement risk, the organization should use only images with explicit permission or those available under a suitable license. The organization could purchase licensed images from stock photo websites or commission original photography.

Scenario 2 – Using AI to Generate Images

A nonprofit organization is launching a new marketing campaign to raise awareness about a sensitive social issue. To create visually compelling content quickly and cost-effectively, the organization decides to use AI-generated images to illustrate their campaign materials, asking the AI tool to create images like those it found at a similar nonprofit.

Risk:

While the images align with the organization's message, the AI-generated images resemble existing copyrighted images. If the organization uses these images, they may face legal challenges for copyright infringement of the other nonprofit's rights. Additionally, the use of AI-generated images might raise ethical concerns about authenticity and transparency, potentially undermining the credibility of the campaign.

Preventive Measures:

Before using AI-generated images, the organization should thoroughly review the images and their context of use. Conducting a careful evaluation of the images for any potential copyright issues and considering the broader implications of using AI-generated content helps mitigate legal and reputational risks.

Scenario 3 – Publishing a Photo with Attendees from a Workshop

A nonprofit organization hosts a workshop to bring together volunteers and children in need. During the event they take photographs of attendees participating in various activities, including volunteers and beneficiaries.

Risk:

The organization uses these photographs in its promotional materials, including its website, social media channels, and printed materials, without obtaining proper consent from the individuals featured in the images. Some individuals may object to their likeness being used for promotional purposes without their consent. This could result in legal disputes, damage to the organization's reputation, and strained relationships with important stakeholders.

Preventive Measures:

To mitigate the risks, the organization should implement a clear process for obtaining and maintaining consent from individuals, including from the parents or guardians of any children, featured in photographs taken at its events. Providing individuals with upfront notice and getting their consent helps ensure compliance with laws and fosters trust and respect among stakeholders.

You can find more guidance and details on publishing guidelines for images at [Using Intellectual Property with Social Media](#).