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Scott, Grant ORCID: 0000-0003-2882-1380 (2017) Your Copyright Is Your Future, Control It! Witness.

EPrint URI: <http://eprints.glos.ac.uk/id/eprint/5360>

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Your Copyright Is Your Future, Control It!

I do not think that there are many issues that divide the photographic community so directly based on age as that of copyright. Those whose careers were forged in the red lit darkrooms of the analogue world are in my experience the most vociferous – although not unique – and active in the protection of the copyright of their images. An issue that becomes almost impossible to control the moment an image appears online. I speak with many photographers still willing to fight the online battle, either by never posting any of their images within the digital environment, by posting them at extremely low resolution or by making their images unusable to others with large and obtrusive watermarks across them.

Attempting to protect copyright in the online environment makes sense but for those photographers who have only known digital photography and digital sharing of images the concept of not placing your images online at a reasonable quality or with a branded aesthetic that destroys the image is not an option.

And yet the protection of copyright remains one of the most important issues to all photographers wanting to ensure that their work is appropriately used, credited and recompensed. With the internet and online platforms being accessed globally an additional issue of national copyright laws comes into play. Add to that the image grab nature of the social media platforms and it is not hard to see what a mess we are in as image makers wanting and needing to share our work. So, what is the answer?

Well, the use of Creative Commons (<https://creativecommons.org>) is a solution for many, whilst remaining an anathema to others. The idea behind the Creative Commons concept is that it helps you legally share your knowledge and creativity to build a more equitable, accessible, and innovative world. With a network of staff, board, and affiliates around the world, they provide free, easy-to-use copyright licenses to make a simple and standardized way to give public permission to share and use your creative work on the usage conditions of your choice. Sounds like a reasonable plan but it relies upon the good will of those using the images to follow your rules, which in a way takes us back to the basic premise of copyright. It works if people respect the rules!

Interestingly, I know of publishing companies currently using Creative Commons licensed images within their magazines to reduce their image expenditure to that lower than that stock agencies are charging and as we all know that can be pretty low. The devaluation of images can only be seen as a negative situation but at least they are being used under CC licenses and not being stolen!

The stealing of images is of course the major issue here. Many of you will be familiar with the image of David Bowie by Gavin Evans with his fingers to his lips that leads this article. It has become an iconic image with David Bowie's sad passing but how often have you seen that image on t-shirts, sneakers, posters etc. used illegally? I can help you with the answer to that, a hundred times at least! It is all over the internet – and even on my local high street – and its illegal use is so widespread that it has become a full-time pursuit for the one photographer to chase down and prosecute every one of the image thieves who are seeking to profit from his work.

There is all manner of advice out there for photographers to benefit from and a number of methods by which photographers can try and find their images online through the embedded metadata but with platforms implementing metadata stripping software the efficiency of any of this advice can only be limited. So far, I may be sounding a little defeated but stay with me on this.

If we accept that the moment we place any image on line we are putting it in a position of danger then perhaps we would think twice about how, where and why we have chosen to publish that image. I have certain possessions that I would be sad if they were stolen, others that could be easily replaced and others that I protect, care for and ensure that they are as best protected as they can be. My suggestion is that you take a similar approach to your images.

Of course, it is important that you understand the implications of copyright and copyright protection and so I have included some usual website addresses at the end of the article to help you with this. But the reality is that at some point we are all going to have a least one of our images stolen and re appropriated without our knowledge or/and permission. We must therefore be as careful as possible that the images we have stolen from us are not the ones that are most precious and/or valuable to us. Easier said than done I hear you say and you are right but as a logic it does make sense.

If we use the David Bowie image by Gavin Evans as an example it is interesting that the image had been created in 1995 and lain dormant in Gavin's archive until 2013 when the Victoria and Albert Museum in London staged an exhibition dedicated to Bowie. Bowie personally requested that Gavin's image was included in both the exhibition and accompanying catalogue – he had a print of the image in his personal collection and hanging in his Manhattan office – but it was not until his death in 2016 that the image took on a new life and significance. Until this point the 'whisper' image had been posted by Gavin only on his personal website and therefore only those who knew Gavin's work and visited the exhibition knew the image. This all changed with Bowie's death.

There is no doubt that Gavin has profited from the legal use of the image at the Grammy's, the Christies, London Bowie auction and in numerous editorials but that is nothing to the income due from its illegal use. But if little can be done to prevent this widespread abuse of copyright is it worth worrying about what could have been? Whilst, we are on the topic of David Bowie and iconic images there can be no more an iconic image of Bowie than that which appeared on the cover of his 1973 album *Aladdin Sane* photographed by Brian Duffy. The 'lightning bolt' image could not be better known and like Gavin's image of Bowie more illegally used. However, this has not stopped people wanting to own a copy of the image and Chris, Brian's son from establishing a strong gallery market for the image alongside Duffy's other work.

These are just two examples of images that have provided substantial income for the photographer years and in fact decades after they were created. I'm sure that you can think of many more. But perhaps the issue here is not in total protection of copyright but of controlled protection. Each photographer understood the power of the two images from each shoot that went on to become iconic and they have controlled usage of those images where maximum revenue can be generated. Both Gavin and the Duffy Estate have been strong and vocal in addressing abuse of copyright and have taken action when they can but as we all know there is no way of tracking and pursuing every person that uses your images without permission to do so.

When it comes to controlling the copyright of your images knowledge is king. It is important that you understand copyright, that you retain copyright and that you implement copyright law when possible and appropriate. But, and this is a big but as soon as you post an image online you have to expect it to be stolen, and if it is for you not to be credited or paid.

However, the images you create can be your future and there is no reason why they shouldn't be if you follow a few simple rules. Firstly, do not give away your copyright, secondly keep accurate details of the shoot both outside and within the metadata of the image. Thirdly, beware of posting particular images on social media platforms known to strip metadata and/or claim ownership of your images.

<https://www.gov.uk/government/publications/copyright-notice-digital-images-photographs-and-the-internet>