



Using Images in Your Work: Legal and Other Concerns

Introduction

Using images in classrooms, lectures, presentations, and publications is a process that starts with identifying purpose and intended use (including audience) before incorporating the works in your design. With that first step clarified, it becomes easier to consider the legal and ethical implications of incorporating images as a means towards meaningful, multimedia learning as well as a heightened visual aesthetic.

Legal Concerns

The legality of using images (or any media) depends on where you are, how you are using the images, and the rights of the subjects (people, objects, and places) in the images. This includes local, federal, and international laws.

Personal Media

Personal images, such as photographs taken while working abroad, should only be used when permission is clearly established and consent obtained, as applicable. Laws regarding permission and consent vary greatly, often extending to expectations of privacy for people and places. It is the photographer's responsibility to verify their actions are legal. Additionally, societal and institutional policies should be adhered to. Beyond the rules, there are also ethical considerations.

As an example demonstrating these nuances, taking photographs without consent of people in public spaces is illegal in some countries yet legal in the U.S. with a few exceptions (ACLU of the District of Columbia, 2025). Yet even if it is allowed, there might be restrictions on who or what is in the photo. There may also be guidance to not use flash photography. And in a private setting, before even thinking about the flash, you will likely need permission to take photos. Additionally, if any person can be recognized in a photo, no matter where it was taken, it might be illegal to distribute their likeness without permission. Be aware of the guidelines in context of your situation.

U.S. Copyright

Copyright, a type of intellectual property law, is legal protection for original, tangible works. Copyright and similar laws exist globally, as do several treaties on these rules. Here we are sharing information about U.S. copyright. Know the protections afforded by copyright before using any media.

The individuals who own the copyright are usually the creators of the works. However, there are some exceptions including when the copyright is sold or the work is created within the scope of employment or other contract. The owner of a copyright has exclusive permission to:

- make copies of a protected work (**reproduction** rights)
- sell or otherwise distribute copies to the public (**distribution** rights)



- create derivative works (**adaptations**)
- perform a protected work or display a work in public (**performance and display** rights)

Anyone other than the copyright owner can only use a protected work (1) within the guidelines of a clearly stated license; (2) per the terms of a separate, granted permission; (3) when the work's copyright has transitioned to the public domain; or (4) within the terms of fair use. (Stim, n.d.)

Public Domain

The public domain is a condition that excludes a work from copyright protection. Material in the public domain is free for anyone to copy, reuse, adapt, or distribute. This condition can be declared by a work's creator or it can be met if a work meets certain criteria. Additionally, works can transfer into the public domain when copyright expires after a set duration. This time is determined by applicable laws and amendments based on the date copyright was secured (United States Copyright Office, 2025).

Not Protected by U.S. Copyright

Specific to U.S. law, the following are not protected by copyright. (United States Copyright Office, U.S. Library of Congress, 2021)

- Titles, names, short phrases, and other items typically considered for Trademark protection
- Familiar symbols and designs, typeface, fonts, and lettering (except when registered)
- Spatial arrangement of layouts and designs, including blank forms
- Ideas, procedures, methods, or systems without original expression, "regardless of the form in which it is described, explained, illustrated, or embodied"
- Stand-alone raw data or lists (e.g., ingredients, contents)
- Non-tangible expressions and acts without recordings or notation/documentation (e.g., performance scripts)
- All other works in the Public Domain; i.e., copyright requirements have not been met, the owner has released the work into the public domain, or copyright protection has expired

Using Copyright-protected Materials

If not explicitly in the Public Domain, there are sometimes situations where the use, adaptation, and/or redistribution of copyright-protected work might be permitted. The conditions and extent of privileges vary, so careful examination of any stated terms plus a clear understanding of how you will use the material is important. Terms may refer to Creative Commons licenses or stand-alone statements accompanying Open Access or other resources. And considering the reach and impact of any intended use is critical to arguing an exception to copyright protection under Fair Use (U.S. only). Lastly, if the licensing and permissions are unclear, there are steps that can be taken to request approval or to clarify a work's ownership and legal protection.



Exceptions to copyright protection exist but should be considered together.

Creative Commons Licensed Work

Creative Commons (CC) is an organization that offers a popular licensing framework often used with Open Access materials and is recognized around the world. The materials licensed under CC do not need further permissions requested for their use (unless the intended use goes beyond what the CC license offers). The CC licenses are standard licenses specifying one or more of the following conditions on copyright-protected works:

- Attribution to the copyright owner, which is signified with BY in a full CC license type
- Limits on derivatives (adaptations or modifications), signified by the ND (no derivatives) in the CC license
- Limits on commercial vs. non-commercial use, signified by NC (non-commercial use only) in the CC license
- Limits on sharing (distribute only under the same terms), signified by SA (share alike) in the CC license type

[Learn more about CC licenses.](#)

Open Access Materials

“Open Access” is a term that describes the ability to obtain a personal copy of a full resource (e.g., document, file, article, image, or application) free of charge, usually without providing any information in return. Access refers to a personal experience with the material (reading, viewing, and saving); it does not extend to any permissions to reuse, modify, or share it.

It's important to understand that Open Access is not the same as “Open Licensed”. Open Licensed works – such as those shared with a Creative Commons license – grant permission for use that follows a set of explicitly stated conditions, specific to that item. This licensing only sometimes applies to Open Access materials.

Always look for a declaration or terms of use before modifying or sharing an Open Access work. If a license or other declaration is not immediately evident, the work should be considered protected by copyright.



However, with investigation, you may find it to be in the public domain, shared under an open license, or shared with other legal terms.

One example of an Open Access source that clearly states what is and what is not allowed is the [Pexels stock photo collection license](#). This is very different from a CC license. This website is one of several linked from the BSPH Center for Teaching and Learning (CTL) curated collection of [Open Access Image Sources](#).

Common characteristics of Open Access materials:

- Readily available
- Free to obtain, public
- Permissible to distribute, reuse, and/or adapt within stated conditions

Conditions of reuse may include:

- Required attribution
- No derivatives
- No commercial use

Fair Use

Fair Use is an argument as to the limitations of copyright protection within the United States. It is not recognized internationally, though there may be similar laws and conventions in place elsewhere. The practice refers to rationalizing that copyright-protected works can be used without having specific permission from the copyright holder. It is often seen as a means of freedom of expression. This determination is based on what is commonly referred to as the “four factors of Fair Use”. It is important to understand that using or sharing something in a manner you’ve judged as a Fair Use is a well-intentioned claim, but not a clear-cut permission, which itself could only be determined by legal proceedings.

The U.S. Copyright Office has identified specific uses as “favorable” toward being granted a legal exception to copyright’s protection, though these conditions do not guarantee permission. **The four factors of Fair Use must always be considered together.** (United States Copyright Office, n.d.) If your specific use of a material weighs heavily in favor of these factors, then there is a strong likelihood you’re working within the “terms of Fair Use”.

1. The **purpose and character** of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes. Nonprofit, noncommercial, and educational use is considered favorable.
2. The **amount and substantiality** of the portion used in relation to the copyrighted work as a whole. Not using an entire work and not using the “heart” (e.g., the unique, identifiable piece) of the work is more favorable.
3. The **nature** of the copyrighted work. Reusing or adapting factual, published content (without any sort of unique display) is more favorable.
4. The **economic effect** of the use upon the potential market for or value of the copyrighted work. Identify the rights-holders in considering their potential financial impact now or in the future; a negligible impact is more favorable.

[Learn more about the nuances of Fair Use from The United States Copyright Office.](#)



Other

If there is no clear indication of copyright exceptions, then it may be necessary to make a request. This includes situations where you are unfamiliar with the (non-U.S.) local laws and treaties. The request should clearly indicate what is being asked, on whose behalf, and for what purpose.

It is sometimes difficult, however, to determine who (or what organization) is the owner of the copyright and how to contact them. One helpful resource is the [Copyright Clearance Center](#), which extends to international works. The [JHU Sheridan Libraries also has some very good starting sources for locating copyright owners](#), though at this time, it is focused on U.S. copyright.

Ethical Concerns

Beyond U.S. and international laws and treaties, considerations should extend to respecting subject matters' privacy, dignity, and other contexts.

Privacy and Dignity

There are privacy laws, including protected health information, that apply to images. These laws can vary by age, location, type of consent, and more. Always respect and adhere to privacy laws while also respecting human dignity. If you are unsure, err on the side of caution.

When considering non-stock, non-licensed imagery that shows individuals with a specific condition, or meeting a specific demographic, tactfully request and record permission to use them in your work. If you want to use photos of children or any individual who cannot legally consent to granting you permission, obtain permission from their legal guardian.

In some cases, you may still want to use the imagery even when you can't get consent. If so, take steps to redact (blur or block out) any personally identifying information or features. Or, in the case of wanting to reuse a previously published photo, provide a citation that serves as evidence for the original source. This citation should occur even when attribution isn't required under the original source's licensing term such as CC0 (Creative Commons public domain dedication).

Other Contexts

There are other, non-legal contexts for the moral and ethical use of images in your work. Human dignity has been mentioned alongside privacy, but there are other considerations for respectful use. This includes [Traditional Knowledge \(TK\)](#) and [Biocultural](#) labels and licenses, which recognize conventions grounded in cultural heritage. Even when you believe you have legal permission to use an image, always examine its source for these labels or similar notifications before reproducing, adapting, distributing, or displaying it.

References

ACLU of the District of Columbia (2025, June 24). *If Stopped for Photographing in Public - Know Your Rights*. Retrieved from the ACLU of DC: <https://www.acludc.org/know-your-rights/if-stopped-photographing-public/>

CCC. (n.d.). Retrieved from Copyright Clearance Center: <https://www.copyright.com/>



- Creative Commons. (n.d.). *About CC Licenses*. Retrieved from Creative Commons:
<https://creativecommons.org/share-your-work/cclicenses/>
- Free Stock Photo & Video License*. (2025). Retrieved from Pexels: <https://www.pexels.com/license/>.
- Johns Hopkins Bloomberg School of Public Health Center for Teaching and Learning. (2025, June). Open Access Image Sources. Baltimore, MD. Retrieved from
<https://ctltoolkit.s3.amazonaws.com/shelf/OpenImages.pdf>
- Johns Hopkins University Sheridan Libraries. (2025, August 12). *Using Others' Work - Copyright*. Retrieved from Guides at Johns Hopkins University: <https://guides.library.jhu.edu/copyright/using-others-work#s-lib-ctab-15740302-5>
- Local Contexts. (n.d.) *Labels*. Retrieved from Local Contexts – Grounding Indigenous Rights:
<https://localcontexts.org/labels/about-the-labels/>
- Scholarly Publishing and Academic Resources Coalition and Public Library of Science (SPARC). (2014). *HowOpenIsIt? A Guide for Evaluating the Openness of Journals*. Retrieved from SPARC:
<https://sparcopen.org/our-work/howopenisit/>
- Stim, R. (n.d.). *Copyright FAQs*. Retrieved from Stanford Libraries:
<https://fairuse.stanford.edu/overview/faqs/>
- United States Copyright Office. (n.d.). *U.S. Copyright Office Fair Use Index*. Retrieved from Copyright.gov:
<https://www.copyright.gov/fair-use/>
- United States Copyright Office, U.S. Library of Congress. (2021, March). Works Not Protected by Copyright. *Circulars*. Washington, DC. Retrieved from <https://www.copyright.gov/circs/circ33.pdf>
- United States Copyright Office, U.S. Library of Congress. (2025, January). Duration of Copyright. *Circulars*. Washington, DC. Retrieved from <https://www.copyright.gov/circs/circ15a.pdf>
- United States Copyright Office, U.S. Library of Congress. (n.d.). *What is Copyright?* Retrieved from Copyright.gov: <https://www.copyright.gov/what-is-copyright/>