

# Photo Usage Guidelines for Chapters

These guidelines have been compiled by the MOAA staff based on best practices. They are not official legal advice.



# Why This Matters

- If your chapter is found to have used an image without having the copyright or license to use the photo, you might need to pay damages to the copyright owner – which can run into the thousands of dollars.
- Sophisticated software crawls websites looking for copyright infringement. It's an income-generating practice ... one that could really hurt your chapter.

# Copyright Is Key

To run a photo on your chapter newsletter or website, you **must** have a copyright to the image or license to use the image (or the image must not be protected by copyright).

- A copyright is the legal right of the owner of intellectual property. In the case of photography and video, copyrights are usually owned by a photographer and/or a business, and can be sold or transferred. If a chapter member takes a photo, they own the copyright.
- Certain photos and videos have no copyright, such as some produced by the federal government. Anything that isn't protect by copyright is considered *public domain*: Image usage rights aren't an issue, and you can use them anywhere – provided there isn't language specifying limited commercial use. These images are free to use.

# Read the Fine Print

What is commercial use and why does it matter?

- Some public domain images, including some produced by the federal government, have specific language regarding commercial rights. If you want to use an image or video to promote the MOAA brand, commercial rights may be needed.
- Military service seals and symbols may not be used in chapter materials.
- Read supplied guidelines for websites where you find images to find out whether you need commercial rights.

# Where to Find Free Photos

- Search online for “public domain photography” and you’ll find a pretty extensive list, with everything from AI-driven image search engines like [picryl.com](https://picryl.com) and [pexels.com](https://pexels.com) to public entities and institutions such as the Smithsonian, National Gallery of Art, and other museums that have moved portions of their collections into the public domain by applying a Creative Commons (CC) license to various works.
- Any material on [Flickr.com](https://www.flickr.com) marked with a CC license is fair game but may have some attribution rules. Flickr requires a user login. Its search function allows users to limit results to those with a CC license.
- Library of Congress: <https://www.loc.gov/free-to-use/>
- Unsplash: <https://unsplash.com/license> (Free-to-use repository of public domain images)
- Wikimedia: [https://commons.wikimedia.org/wiki/Main\\_Page](https://commons.wikimedia.org/wiki/Main_Page)

# How to Purchase Photos

- If you choose to work directly with a freelance photographer to commission photos, you will need to enter into a written agreement with the photographer. This agreement should grant you copyright to the images or license to use them. All uses of the image should also be spelled out in the agreement.
- Gettyimages: You can buy images and video from this photo agency, which has a vast library of historic, news and creative images. The purchase gives you rights to use images and video as spelled out in the individual agreement. [gettyimages.com](https://www.gettyimages.com)

# Additional Information

- [https://www.asaecenter.org/resources/articles/an\\_plus/2020/july/how-to-safely-use-others-online-content/](https://www.asaecenter.org/resources/articles/an_plus/2020/july/how-to-safely-use-others-online-content/)
- <https://www.poynter.org/educators-students/2016/some-guidelines-to-help-you-with-copyright-and-fair-use/>

# Questions to Ask & Answer:

Did I take this photo?  
**You can use the photo.**

Did I hire a photographer to take this photo?

**You can use the photo if you:**

- 1. Have license to use it or bought the copyright**
- 2. Have license to use it this particular way and place**
- 3. Have this spelled out in writing from the photographer**

Did I grab this photo from a random website?

**Do NOT use this photo.**

Did I grab this photo from a website without clear public domain labeling?

**Do NOT use this photo.**

Did I grab this photo from the MOAA website?

**Do NOT use this photo without permission from MOAA HQ.**

**[chapters@moaa.org](mailto:chapters@moaa.org)**





# Best Practice for Events

If you are taking photos at a chapter event, you should include language in any registration or sign-up information letting participants know they might be captured on film.

For example only:

*Please be aware that participants attending the event may be photographed or recorded for MOAA chapter products.*