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The Many Faces of Copyright Infringement

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As a creative group of people, copyright infringement and the misappropriation of intellectual property are issues we all take quite seriously. While the Internet has provided an unprecedented opportunity for us to share our work and passion with others, it has also provided an avenue for unprecedented abuse of our creative work. Photos, literary work, software, music, trade names and marks, graphics and even HTML source code are all subject to this abuse.

At the most benign level, most of us who place our images on the Internet concede that our images are unknowingly used for screen savers, school projects, etc. While it may be unnerving and perhaps illegal, we generally look at the bright side – the image is being used by someone who likes what we have created, and is not being used for financial gain. Even though we will never know the details of whom and where, this is something most of us can live with. Sometimes, this type of thing simply comes with the territory.

Unexpectedly finding one of our prized images on the Internet, on someone's personal home page or posted without our knowledge on a public bulletin board, crosses a line where a call to action is both possible and prudent. In most cases, simply contacting the person who has posted the work and politely asking them to remove it is usually all that is required. Numerous threads in the NPN general discussion forum have shown that this is not an uncommon occurrence, and a simple, congenial email to the "offender" is not an uncommon remedy. Once again, the prevailing "everything on the Internet is free" mentality at least provides some insight on why this type of misuse is so widespread.

In the 3-1/2 years that NPN has been online, we have had two instances of being contacted by someone claiming that their images were posted in our forums by someone other than themselves. As strange as it may sound, both instances included claims made by one against another in which both parties had previously posted on NPN! In both cases, our course of action was simple – we immediately deleted the disputed image, and informed both parties to resolve their dispute between themselves. In both cases, the parties did so with little interaction with NPN. Sometimes, things work out easily and in an amicable fashion.

Copyright infringement takes a very drastic turn for the worse when it involves commercial enterprise. No longer are we talking about someone using a copyrighted image for a screensaver, or even inadvertently posting an image that does not belong to them on an Internet bulletin board. When the infringement impacts the financial health of a business, it can turn very serious in a hurry, as it should.

We were once contacted by a well-known and highly regarded photo tour operator, claiming that the promotional material they had written and displayed on their web site for one of their tours was being used on the web site of a photographer promoting their own tour to the same location. We were contacted because the photographer was posting in NPN forums at the time, and the photo tour operator had not received any response to their emails and phone calls to the photographer. We were asked to try contacting the photographer on their behalf, which we did. In our email, we asked the photographer to please contact the photo tour operator, even if nothing more than as a professional courtesy. As in the previous cases, the parties involved were able to resolve the dispute, and no further interaction with NPN was required. We were happy to have been instrumental in the resolution, and to have acted on behalf of the parties involved and for the good of the entire nature photography community. But sometimes, it's not that easy.

What if the photographer never responded, or claimed that the promotional material belonged to them and not the photo tour operator? What if the parties involved became so entrenched in their positions that they were unable to reach agreement? In that case, the photo tour operator would have been left with single decision; either live with the infringement and its consequences on the future of his business, or take a stand and bring to bear the authority of the legal system. As you can imagine, those placed in that very unfortunate situation have a tough call to make, one that they will have to live with for the rest of their lives. Sometimes, one may feel compelled to take a stand, regardless of how unpleasant it is to do so.

Looking into the face of copyright infringement requires an objective and dispassionate mindset. Each case is unique, but the consequences of our action or inaction are not. How we decide to handle the copyright infringement of our own work can have a

cumulative effect not only on the integrity of an entire community, but the public's perception of it as well.

The many faces of copyright infringement - at all times and in all cases, it's not just about you, me or the other guy. It's about all of us.

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