SOCIAL MEDIA IMAGES AND VIDEOS – WHEN CAN YOU USE THEM??

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So you found a Facebook photo or a Twitter image or perhaps even a YouTube video that you really like – can you use it?? Perhaps you're a freelance writer or a BBC journalist or just a young artistic kid with a YouTube page. Do you know what the legal restrictions are when it comes to making use of other people's photo and / or videos obtained off the social media pages?

The starting point to the questions raised above all fall under Copyright Law intertwined with the fairly new concept of social media. Firstly, it is important to note that a person who creates a photo or video becomes the automatic copyright holder of that photo or video, regardless of whether they elect to upload it to social media pages such as Facebook, Twitter, Instagram, Google+, YouTube, Vimeo etc. Due to the fact that copyright is retained in the copyright holder, it therefore follows that permission should be sought when attempting to use an photo or video off of someone else's social media page, as well as credit that person and should it be necessary, offer compensation for the use of that photo or video.

Nowadays, people are becoming more social media savvy and realise that there may be some kind of benefit should their photos or videos be used (especially where the requisite permission has not been sought or even granted). There have been many instances where people have stated: "*I made that video…how did they get it? I deserved to get paid.*" Is this considered greed or do these people have legitimate concerns?

Here are few question you might want to consider before using a photo or video off someone else's social media page – keep in mind that the list is not exhaustive:

- Has the requisite permission been sought to use a photo or video? If so, and this can be legitimately proven then it follows that use of such photo or video is accepted. This is especially important where images and / or videos of children are being used – permission from the parents must always be sought!
- Has the photo or video been used to identify a person? For example, a missing person's photo taken off of Instagram would be considered acceptable to use when trying to locate such a missing person.
- Has the person applied any privacy settings to their photo or video? If so, it may be harder to make use of the photo or video – the more public the photo or video, the more acceptable it is to use such photo or video.
- Is it possible that the photo or video will cause distress or have a negative impact? For example, murder victims' bodies being displayed on television.
- Does publishing the photo or video amount to contempt of a court order? For example, the use of a witness's old image being displayed on television during testimony despite her requesting that her image no be shown – Oscar Pistorius trial.

Failure to properly consider these questions could ultimately lead to being liable for copyright infringement and thereafter, even compensation to the person who does indeed own the copyright to the photo or video.