

Copyright Online and Fair Use in Social Media

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With the online world being dominated by images, what do you need to know as a business owner when it comes to copyright laws?

Sharing Images on Social

Visuals are huge in the social media world, particularly for businesses. Here's a quick run-down.

1. On average, **content with relevant images has 94% more total views** than content without ([Jeff Bullas](#)).
2. Compared to other types of content, **visual content is 40 times more likely to be shared on social media** ([Ethos](#)).
3. **Facebook posts with images can receive 2.3x more engagement than text posts** ([BuzzSumo](#)).

A couple of things can be seen here. First, **using images in your social media communications is critical to its success**, and second, **social media is the driving force behind the unfathomable amount of photos being shared online every second**. In fact, the world is on track to share over **2.5 trillion photos online** by the end of this year!

Social Media Copyright Risks

Because online culture evolves so quickly, the **laws of the land are constantly readjusting** to the most recent trends in online activity. This is especially true regarding **copyright online and fair use on social media**, both of which have yet to become clearly defined for the digital age. Fortunately, even online, **by sticking to the basic foundations of copyright law, you will be protected in most cases**.

💡 This post focuses on copyright laws as they pertain to Canada and the United States.



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What is Copyright?

Simply put, copyright is: **“the exclusive legal right to reproduce, publish, sell, or distribute the matter and form of something (as a literary, musical, or artistic work).”** Its purpose is to **strike a balance between protecting the author** of a work and **serving the public interest**.

Copyright offers the owner exclusive rights over their work. Copyright owners can:

- **Reproduce** the copyrighted work
- **Create derivative works** based on the copyrighted work
- **Distribute copies** of the copyrighted work to the public by sale, transfer of ownership, rental, lease, or lending
- **Perform and/or display** the copyrighted work publicly (copyright.gov)

Copyright is determined on a case-by-case basis, which makes it difficult to identify any clear-cut examples of infringement that could be applied to other cases seen in social media.

Creative Commons and Free Use

On the other end of the spectrum, **“creative commons” work is always free to use.** This dedication means that an author has dedicated their original work to the public domain, **waiving all rights** to their work worldwide under copyright law.

This work is free to **“copy, modify, distribute and perform, even for commercial purposes, all without asking permission”** (Creative Commons). Sites like **Pixabay** or **Flickr** find photos that are released under Creative Commons!

These photos require no attribution (credit to the author/source) and they are **free to use**.

Internet Memes and Copyright Online

There are so many kinds of memes that **may or may not infringe copyright online** that



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lumping them all into one category and stamping them with “approved” or “rejected” ink just doesn’t work. If you are curious about how the memes you might be sharing fall under copyright law, here is a quick guide.

Types of Memes

Memes can range from the popular **“image macros”** to silly sentences repeated across the web. Obviously, **catch phrases, hashtags, and other word-based memes have no real copyright risk.**

It's the **visual and image macro memes** that may pose a problem. Specifically, image macros that **depict copyrighted characters and productions.**

Pop Culture Memes

Let's say, for simplicity's sake, that most memes are **fair use.** I mean, no one is going to come after you for throwing a **“damn, Daniel!”** into one of your Facebook posts.

The memes that **may pose an issue** are those that **pull images from pop culture,** like **Futurama Fry or Boromir's “one does not simply” meme..**

These character stills are pulled from pop culture media and turned into memes, yet the characters depicted are **owned by a specific brand or company.**

Could using a pop culture meme that depicts a copyrighted work or character result in a lawsuit? Yes.

Is it likely to? No.

But when it comes to **commercial use of memes,** it's good to **err on the side of caution** and **avoid posting pop culture memes that clearly depict copyrighted works.**

Memes in Social Advertising



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Using memes for social advertising is the **surest way to cause problems** with copyright when it comes to sharing memes. **Posting a meme is relatively harmless**, but using it in advertising is a whole different story.

Advertising is not protected by fair use, and so any direct promotion of your company/brand with the use of memes, or using memes for profit, can get you legal heat.

If you're thinking, "That's silly, who would punish me for selling a t-shirt with a picture of a particularly grumpy cat?" I understand where you're coming from, but **Grumpy Cat has a company** that's **ready to protect its property** (which is, weirdly enough, a mean-looking cat).

General Rule for Copyright Online

Even though the rules of **fair use and copyright online are often left up to interpretation**, a **good rule to follow** is **assuming that all images and videos found online are protected by copyright**, unless **explicitly expressed as being free to use** by the owner. Ultimately, it's up to the author of the work to enforce copyright law if they find that their work is being used without permission.

The next time you **decide to use any content that isn't yours**, ask yourself:

1. **Do I have permission to use this image (or is it free to use)?**
2. **If not, does my usage fall under "fair use"?**
3. **Is using this content worth the potential legal consequences?**

It will be interesting to see how **copyright laws and content sharing practices** will change with the evolution of social media trends. For now, just remember—**a picture may be worth a thousand words, but it may cost you a lot more if used without permission**.

