

# Protecting Images from Photo Theft

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**Abstract :** Photography is an art of capturing a moment with a camera. It is a skill to freeze segments of time which can evoke and convey many emotions, feelings and memories. Photographers spend a long time of their life to capture an outstanding photo. It is his property then. If he is not bound by any prior contract, he is the owner of that particular outstanding photograph. Unauthorised use of that photograph by someone else is called Photograph Theft. This paper scrutinises and analyse the unethical and unholy practice.

**Key Words :** Photograph Theft, Digital Age , photographer’s permission, Copyright

## **Introduction :**

Today in the Digital Age everything is available on the web. It is very easy to search and find required information within a fraction of time with a click. It’s a boon to us for enhancing our knowledge from the web. But this technology also help the users to do different misdeeds. Photograph theft is one of them. A photographer takes his camera up, frames the shot, clicks and owns the very moment. To show his works to world, he uploaded his photograph on the web. But with the help of technology, anyone can right click, save and use it as his own. It is so easy to download and copy images from the internet and reproduce without the original photographer’s permission. In many times it does not even occur to most of the people that they are using someone else’s property without permission. They think it the search engine which shows these photos, so these must be free to use. Professional photographers see it as Theft as its their own work and own product which are being stolen. A renown photographer Yunghi Kim once said, “There are a lot of images on the Internet. Just like I see a lot of cars on the street. Am I going to go and steal one of those cars and drive it? Just because I see it, it’s mine?! I am going to get in trouble, arrested, go to court. That’s why you have laws. Same thing with the images on the internet: just because you see it, does not mean you can take it.”

Google Images, Flickr, Pinterest, Facebook etc have made easier to steal images and it seems very much socially acceptable. Most people think that if an image comes up in a Google Image Search, it is a fair game.

## **Copyright Protection for Photographers in India**

Photographs are protected under Copyright Law as artistic work under Section 2(C) of Copyright Act 1957 in India. To come under this law a photograph has to be an original work

where some degree of skill and effort must have been extended on it. As per Section 25 of the Copyright Act there would be protection for a period of 60 years from the date of publication (means the date of photograph and not mandatory to actually have it published in any magazine). The Indian Copyright Act is in compliance with most of the international treaties. The International Copyright Order has been passed to protect the Copyright in member countries of the Convention and Agreement. Accordingly, the foreign artistic works are given protection in India.

The Photographer will be the first owner unless he is under any contract of an organisation. But if a person does not have any camera and he used someone else's camera and takes an outstanding photograph, the Copyright would go to the photographer not to the person whose camera he used.

Copyright registration is not mandatory. But a photographer may opt for it. Copyright starts as soon as the photo is taken.

Under Copyright Act the expression of idea is copyrightable but not the idea *per se*. If a person take a photo of the sunset and another person take the photo of the same sunset, then the first one can not stop the second one. But if a person use first one's published photo somewhere else without his permission, it is stealing. Section 51 of Copyright Act protects the copyright infringement of photographers. Any violation of the right amount to copyright infringement.

However teachers and researchers can use a protected photograph without the photographer's permission for teaching and research purpose. This falls under principles of fair use and it is permissible.

Copyright Act 1957, not only covers traditional printed photographs, but also the digital one but it is not clearly mentioned. Digital Millennium Copyright Act(1998) allows the photographer to demand the removal of their work from sites that unlawfully nabbed it.

### **Protection on the Digital Platform**

Though there are Copyright Act, but still Theft is rampant in digital platform. It is very lengthy and time-consuming process to get justice for photograph theft. So it would be good to get digital protection. There are few simple steps to protect photograph on the digital platform:

- Add watermarks to the photographs
- Disable right click option to download, save or copy
- Limit the pixel dimension. Never share a high resolution file
- Use advance Barcode (Invisible Barcode creation by Digimarc)
- Compress the quality of a uploaded photograph
- Embed copyright and contact information into the image file
- Register the photograph at Copyright offices

- Slice the photograph into section by photoshop
- Layer another image on the top of the real photo using Cascading Style Sheet(CSS)

#### **Few Image Theft Detection Sites**

- Google's Reverse Image Search
- TinEye
- Copyscape
- Picsearch

#### **Conclusion**

Every photographer wants visitors to see their works. Photographs are now designed to attract viewers, make them clicks and increasing followers. They also want their works to be protected and represented at the place and the way they want. But with the advancement of technology, no matter whatever the steps a photographer takes before uploading a photograph, a tech-savvy Internet user would search different new ways to get it. It is not possible for every photographer to keep on eye worldwide. Disabling downloads does not stop people who want to copy a photo from a website. They can simply use their Screen Capture feature of smartphone or PC. These photos taken by screenshots never show any of the metadata. No matter how a person does it, it is photo-theft and is strictly against ethics and law.

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